

# FEDERAL REGISTER

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Agencies in this issue—

The President  
Atomic Energy Commission  
Civil Service Commission  
Commerce Department  
Consumer and Marketing Service  
Federal Aviation Agency  
Federal Communications Commission  
Federal Maritime Commission  
Federal Power Commission  
Food and Drug Administration  
Immigration and Naturalization  
Service  
Internal Revenue Service  
Interstate Commerce Commission  
Land Management Bureau  
Securities and Exchange Commission  
Small Business Administration  
Smithsonian Institution  
Wage and Hour Division

Detailed list of Contents appears inside.



Just Released

## CODE OF FEDERAL REGULATIONS

(As of January 1, 1965)

Title 14—Aeronautics and Space (Parts 1-39) (Revised)---	\$1.25
Title 20—Employees' Benefits (Revised)-----	\$1.75
Title 21—Food and Drugs (Part 130-End) (Revised)-----	\$2.25
Title 32—National Defense (Parts 1000-1099) (Revised)---	\$1.75
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### Proclamation 3655

#### ARMED FORCES DAY

By the President of the United States of America

#### A Proclamation

WHEREAS the safety of our cherished freedom rests in large measure upon the capabilities of our Armed Forces to forestall totalitarian aggression; and

WHEREAS the Armed Forces of the United States serve as a unified team, at home and at outposts throughout the world, insuring our own security and the security of our friends abroad, and fostering the settlement of international differences by peaceful processes; and

WHEREAS enlightened understanding and unstinting support of our Armed Forces by an informed American people are vital to the strength and vigor of our Armed Forces; and

WHEREAS our soldiers, sailors, airmen, marines, and coastguardsmen, from whom we ask so much, are the cornerstone of our military might and richly deserve to have a special day set aside in their honor:

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America and Commander in Chief of the Armed Forces of the United States, do hereby proclaim the third Saturday of May in 1965 and the third Saturday of May in each succeeding year as Armed Forces Day.

I direct the Secretary of Defense on behalf of the Army, the Navy, the Air Force, and the Marine Corps, and the Secretary of the Treasury on behalf of the Coast Guard, to designate that day each year for appropriate observances. The Secretary of Defense, as my personal representative, shall be responsible for the program contemplated by this proclamation and for soliciting the participation and cooperation in its execution by civil authorities and distinguished private citizens.

I invite the Governors of the States, the Commonwealth of Puerto Rico, and other areas subject to the jurisdiction of the United States, and the Commissioners of the District of Columbia, to provide for the observance of Armed Forces Day within their jurisdictions each year in an appropriate manner designed to enhance public understanding and appreciation of the Armed Forces of the United States as defenders of freedom at home and abroad.

I call upon my fellow Americans to display the flag of the United States at their homes on Armed Forces Day. I invite them to take part in observances planned by personnel of the Armed Forces as a report to the Nation which they are sworn to protect.

Proclamation No. 3172 of March 5, 1957, and Proclamation No. 3399 of March 18, 1961, are hereby superseded.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this seventh day of May in the year of our Lord nineteen hundred and sixty-five, and of the Independence of the United States of America the one hundred and eighty-ninth.

LYNDON B. JOHNSON

By the President:

DEAN RUSK,  
*Secretary of State.*

[F.R. Doc. 65-5014; Filed, May 10, 1965; 10:28 a.m.]

# THE HISTORY OF THE

## BYRON JOHN JAMES

BYRON JOHN JAMES, Esq. of the Middle Temple, Barrister at Law.

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## Executive Order 11222

## PRESCRIBING STANDARDS OF ETHICAL CONDUCT FOR GOVERNMENT OFFICERS AND EMPLOYEES

By virtue of the authority vested in me by Section 301 of Title 3 of the United States Code, and as President of the United States, it is hereby ordered as follows:

## PART I—POLICY

SECTION 101. Where government is based on the consent of the governed, every citizen is entitled to have complete confidence in the integrity of his government. Each individual officer, employee, or adviser of government must help to earn and must honor that trust by his own integrity and conduct in all official actions.

## PART II—STANDARDS OF CONDUCT

SECTION 201. (a) Except in accordance with regulations issued pursuant to subsection (b) of this section, no employee shall solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan, or any other thing of monetary value, from any person, corporation, or group which—

(1) has, or is seeking to obtain, contractual or other business or financial relationships with his agency;

(2) conducts operations or activities which are regulated by his agency; or

(3) has interests which may be substantially affected by the performance or nonperformance of his official duty.

(b) Agency heads are authorized to issue regulations, coordinated and approved by the Civil Service Commission, implementing the provisions of subsection (a) of this section and to provide for such exceptions therein as may be necessary and appropriate in view of the nature of their agency's work and the duties and responsibilities of their employees. For example, it may be appropriate to provide exceptions (1) governing obvious family or personal relationships where the circumstances make it clear that it is those relationships rather than the business of the persons concerned which are the motivating factors—the clearest illustration being the parents, children or spouses of federal employees; (2) permitting acceptance of food and refreshments available in the ordinary course of a luncheon or dinner or other meeting or on inspection tours where an employee may properly be in attendance; or (3) permitting acceptance of loans from banks or other financial institutions on customary terms to finance proper and usual activities of employees, such as home mortgage loans. This section shall be effective upon issuance of such regulations.

(c) It is the intent of this section that employees avoid any action, whether or not specifically prohibited by subsection (a), which might result in, or create the appearance of—

(1) using public office for private gain;

(2) giving preferential treatment to any organization or person;

(3) impeding government efficiency or economy;

(4) losing complete independence or impartiality of action;

(5) making a government decision outside official channels; or

(6) affecting adversely the confidence of the public in the integrity of the Government.

SEC. 202. An employee shall not engage in any outside employment, including teaching, lecturing, or writing, which might result in a conflict, or an apparent conflict, between the private interests of the



employee and his official government duties and responsibilities, although such teaching, lecturing, and writing by employees are generally to be encouraged so long as the laws, the provisions of this order, and Civil Service Commission and agency regulations covering conflict of interest and outside employment are observed.

SEC. 203. Employees may not (a) have direct or indirect financial interests that conflict substantially, or appear to conflict substantially, with their responsibilities and duties as Federal employees, or (b) engage in, directly or indirectly, financial transactions as a result of, or primarily relying upon, information obtained through their employment. Aside from these restrictions, employees are free to engage in lawful financial transactions to the same extent as private citizens. Agencies may, however, further restrict such transactions in the light of the special circumstances of their individual missions.

SEC. 204. An employee shall not use Federal property of any kind for other than officially approved activities. He must protect and conserve all Federal property, including equipment and supplies, entrusted or issued to him.

SEC. 205. An employee shall not directly or indirectly make use of, or permit others to make use of, for the purpose of furthering a private interest, official information not made available to the general public.

SEC. 206. An employee is expected to meet all just financial obligations, especially those—such as Federal, State, or local taxes—which are imposed by law.

### PART III—STANDARDS OF ETHICAL CONDUCT FOR SPECIAL GOVERNMENT EMPLOYEES

SECTION 301. This part applies to all "special Government employees" as defined in Section 202 of Title 18 of the United States Code, who are employed in the Executive Branch.

SEC. 302. A consultant, adviser or other special Government employee must refrain from any use of his public office which is motivated by, or gives the appearance of being motivated by, the desire for private gain for himself or other persons, including particularly those with whom he has family, business, or financial ties.

SEC. 303. A consultant, adviser, or other special Government employee shall not use any inside information obtained as a result of his government service for private personal gain, either by direct action on his part or by counsel, recommendations or suggestions to others, including particularly those with whom he has family, business, or financial ties.

SEC. 304. An adviser, consultant, or other special Government employee shall not use his position in any way to coerce, or give the appearance of coercing, another person to provide any financial benefit to him or persons with whom he has family, business, or financial ties.

SEC. 305. An adviser, consultant, or other special Government employee shall not receive or solicit from persons having business with his agency anything of value as a gift, gratuity, loan or favor for himself or persons with whom he has family, business, or financial ties while employed by the government or in connection with his work with the government.

SEC. 306. Each agency shall, at the time of employment of a consultant, adviser, or other special Government employee require him to supply it with a statement of all other employment. The statement shall list the names of all the corporations, companies, firms, State or local governmental organizations, research organizations and educational or other institutions in which he is serving as employee, officer, member, owner, director, trustee, adviser, or consultant. In addition, it shall list such other financial information as the appointing department or agency shall decide is relevant in the light of the duties the appointee is to perform. The appointee may, but need not, be required to reveal precise amounts of investments. The statement shall be kept current throughout the period during which the employee is on the Government rolls.



## PART IV—REPORTING OF FINANCIAL INTERESTS

SECTION 401. (a) Not later than ninety days after the date of this order, the head of each agency, each Presidential appointee in the Executive Office of the President who is not subordinate to the head of an agency in that Office, and each full-time member of a committee, board, or commission appointed by the President, shall submit to the Chairman of the Civil Service Commission a statement containing the following:

(1) A list of the names of all corporations, companies, firms, or other business enterprises, partnerships, nonprofit organizations, and educational or other institutions—

(A) with which he is connected as an employee, officer, owner, director, trustee, partner, adviser, or consultant; or

(B) in which he has any continuing financial interests, through a pension or retirement plan, shared income, or otherwise, as a result of any current or prior employment or business or professional association; or

(C) in which he has any financial interest through the ownership of stocks, bonds, or other securities.

(2) A list of the names of his creditors, other than those to whom he may be indebted by reason of a mortgage on property which he occupies as a personal residence or to whom he may be indebted for current and ordinary household and living expenses.

(3) A list of his interests in real property or rights in lands, other than property which he occupies as a personal residence.

(b) Each person who enters upon duty after the date of this order in an office or position as to which a statement is required by this section shall submit such statement not later than thirty days after the date of his entrance on duty.

(c) Each statement required by this section shall be kept up to date by submission of amended statements of any changes in, or additions to, the information required to be included in the original statement, on a quarterly basis.

SEC. 402. The Civil Service Commission shall prescribe regulations, not inconsistent with this part, to require the submission of statements of financial interests by such employees, subordinate to the heads of agencies, as the Commission may designate. The Commission shall prescribe the form and content of such statements and the time or times and places for such submission.

SEC. 403. (a) The interest of a spouse, minor child, or other member of his immediate household shall be considered to be an interest of a person required to submit a statement by or pursuant to this part.

(b) In the event any information required to be included in a statement required by or pursuant to this part is not known to the person required to submit such statement but is known to other persons, the person concerned shall request such other persons to submit the required information on his behalf.

(c) This part shall not be construed to require the submission of any information relating to any person's connection with, or interest in, any professional society or any charitable, religious, social, fraternal, educational, recreational, public service, civic, or political organization or any similar organization not conducted as a business enterprise and which is not engaged in the ownership or conduct of a business enterprise.

SEC. 404. The Chairman of the Civil Service Commission shall report to the President any information contained in statements required by Section 401 of this part which may indicate a conflict between the financial interests of the official concerned and the performance of his services for the Government. The Commission shall report, or by regulation require reporting, to the head of the agency concerned any information contained in statements submitted pursuant to regulations issued under Section 402 of this part which may indicate a conflict between the financial interests of the officer or employee concerned and the performance of his services for the Government.



SEC. 405. The statements and amended statements required by or pursuant to this part shall be held in confidence, and no information as to the contents thereof shall be disclosed except as the Chairman of the Civil Service Commission or the head of the agency concerned may determine for good cause shown.

SEC. 406. The statements and amended statements required by or pursuant to this part shall be in addition to, and not in substitution for, or in derogation of, any similar requirement imposed by law, regulation, or order. The submission of a statement or amended statements required by or pursuant to this part shall not be deemed to permit any person to participate in any matter in which his participation is prohibited by law, regulation, or order.

PART V—DELEGATING AUTHORITY OF THE PRESIDENT UNDER SECTIONS 205 AND 208 OF TITLE 18 OF THE UNITED STATES CODE RELATING TO CONFLICTS OF INTEREST

SECTION 501. As used in this part, "department" means an executive department, "agency" means an independent agency or establishment or a Government corporation, and "head of an agency" means, in the case of an agency headed by more than one person, the chairman or comparable member of such agency.

SEC. 502. There is delegated, in accordance with and to the extent prescribed in Sections 503 and 504 of this part, the authority of the President under Sections 205 and 208(b) of Title 18, United States Code, to permit certain actions by an officer or employee of the Government, including a special Government employee, for appointment to whose position the President is responsible.

SEC. 503. Insofar as the authority of the President referred to in Section 502 extends to any appointee of the President subordinate to or subject to the chairmanship of the head of a department or agency, it is delegated to such department or agency head.

SEC. 504. Insofar as the authority of the President referred to in Section 502 extends to an appointee of the President who is within or attached to a department or agency for purposes of administration, it is delegated to the head of such department or agency.

SEC. 505. Notwithstanding any provision of the preceding sections of this part to the contrary, this part does not include a delegation of the authority of the President referred to in Section 502 insofar as it extends to:

- (a) The head of any department or agency in the Executive Branch;
- (b) Presidential appointees in the Executive Office of the President who are not subordinate to the head of an agency in that Office; and
- (c) Presidential appointees to committees, boards, commissions, or similar groups established by the President.

PART VI—PROVIDING FOR THE PERFORMANCE BY THE CIVIL SERVICE COMMISSION OF CERTAIN AUTHORITY VESTED IN THE PRESIDENT BY SECTION 1753 OF THE REVISED STATUTES

SECTION 601. The Civil Service Commission is designated and empowered to perform, without the approval, ratification, or other action of the President, so much of the authority vested in the President by Section 1753 of the Revised Statutes of the United States (5 U.S.C. 631) as relates to establishing regulations for the conduct of persons in the civil service.

SEC. 602. Regulations issued under the authority of Section 601 shall be consistent with the standards of ethical conduct provided elsewhere in this order.

PART VII—GENERAL PROVISIONS

SECTION 701. The Civil Service Commission is authorized and directed, in addition to responsibilities assigned elsewhere in this order:

- (a) To issue appropriate regulations and instructions implementing Parts II, III, and IV of this order;
- (b) To review agency regulations from time to time for conformance with this order; and



(c) To recommend to the President from time to time such revisions in this order as may appear necessary to ensure the maintenance of high ethical standards within the Executive Branch.

SEC. 702. Each agency head is hereby directed to supplement the standards provided by law, by this order, and by regulations of the Civil Service Commission with regulations of special applicability to the particular functions and activities of his agency. Each agency head is also directed to assure (1) the widest possible distribution of regulations issued pursuant to this section, and (2) the availability of counseling for those employees who request advice or interpretation.

SEC. 703. The following are hereby revoked:

- (a) Executive Order No. 10939 of May 5, 1961.
- (b) Executive Order No. 11125 of October 29, 1963.
- (c) Section 2(a) of Executive Order No. 10530 of May 10, 1954.
- (d) White House memorandum of July 20, 1961, on "Standards of Conduct for Civilian Employees."
- (e) The President's Memorandum of May 2, 1963, "Preventing Conflicts of Interest on the Part of Special Government Employees." The effective date of this revocation shall be the date of issuance by the Civil Service Commission of regulations under Section 701(a) of this order.

SEC. 704. All actions heretofore taken by the President or by his delegates in respect of the matters affected by this order and in force at the time of the issuance of this order, including any regulations prescribed or approved by the President or by his delegates in respect of such matters, shall, except as they may be inconsistent with the provisions of this order or terminate by operation of law, remain in effect until amended, modified, or revoked pursuant to the authority conferred by this order.

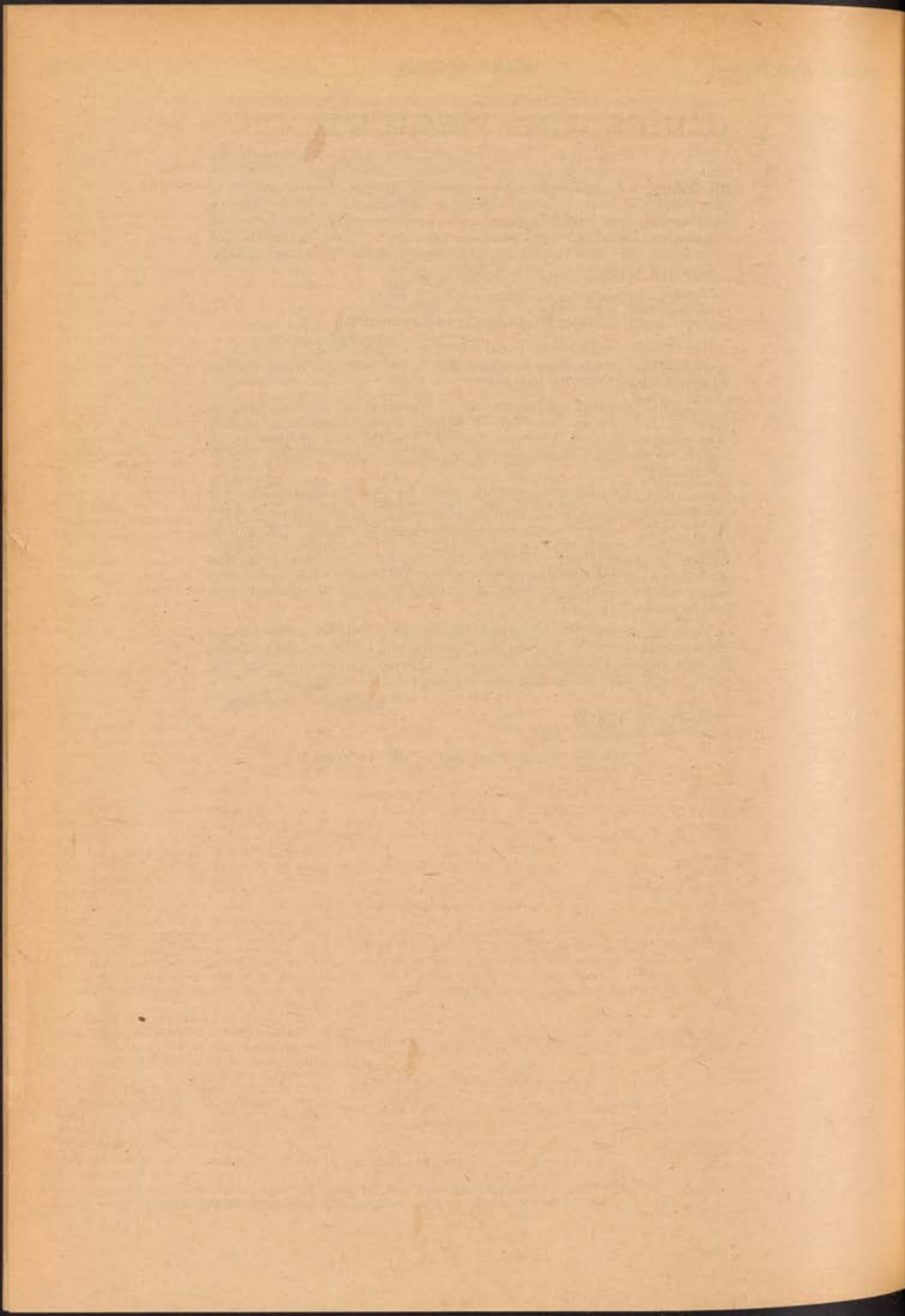
SEC. 705. As used in this order, and except as otherwise specifically provided herein, the term "agency" means any executive department, or any independent agency or any Government corporation; and the term "employee" means any officer or employee of an agency.

LYNDON B. JOHNSON

THE WHITE HOUSE,  
May 8, 1965.

[F.R. Doc. 65-5018; Filed, May 10, 1965; 10:39 a.m.]







# Rules and Regulations

## Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

### PART 133—DRUGS; CURRENT GOOD MANUFACTURING PRACTICE IN MANUFACTURE, PROCESSING, PACKING, OR HOLDING

#### Medicated Animal Feeds; Final Order

In the matter of the promulgation of regulations to establish criteria for current good manufacturing practice in the manufacture, processing, packing, or holding of medicated animal feed:

Having considered the comments, objections, and suggestions filed in response to the notice of proposed rule-making in the above-identified matter published in the FEDERAL REGISTER of August 13, 1964 (29 F.R. 11628), the Commissioner of Food and Drugs has concluded that the proposed regulations should be issued, incorporating some of the suggested changes in whole or in part, as shown by the order hereinafter set forth. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 501(a)(2)(B), 701(a); 52 Stat. 1050 as amended 76 Stat. 780, 781; 1055; 21 U.S.C. 351(a)(2)(B), 371(a)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90): It is ordered, That Part 133 be amended as follows:

1. Section 133.1 is amended by adding thereto a new paragraph (c) as follows:

#### § 133.1 Definitions.

(c) As used in this Part 133, the term "medicated feed" means any "complete feed," "feed additive supplement," or "feed additive concentrate," as defined in § 121.200 of this chapter, which feed contains one or more drugs as defined in section 201(g) of the act. The term "medicated feed" does not include any undiluted drug of "premix," as defined in § 121.200 of this chapter, intended for manufacturing use in the production of a medicated feed, since these are subject to §§ 133.3-133.14, inclusive.

2. Part 133 is amended by adding thereto the following new sections under the center heading indicated:

#### MEDICATED FEEDS; MANUFACTURING PRACTICE

Sec.	
133.100	Current good manufacturing practice.
133.101	Buildings.
133.102	Equipment.
133.103	Personnel.
133.104	Components.
133.105	Formula and production records.
133.106	Production and control procedures.
133.107	Packaging and labeling.
133.108	Laboratory controls.
133.109	Distribution records.
133.110	Complaint files.

#### MEDICATED FEEDS; MANUFACTURING PRACTICE

##### § 133.100 Current good manufacturing practice.

The criteria in §§ 133.101-133.110, inclusive, shall apply in determining whether the methods used in, or the facilities and controls used for, the manufacture, processing, packing, or holding of a medicated feed conform to or are operated or administered in conformity with current good manufacturing practice to assure that a medicated feed meets the requirements of the act as to safety, and has the identity and strength, and meets the quality and purity characteristics which it purports or is represented to possess, as required by section 501(a)(2)(B) of the act. The regulations in this Part 133 permit the use of precision, automatic, mechanical, or electronic equipment in the production of a medicated feed when adequate inspection and checking procedures are used to assure proper performance.

##### § 133.101 Buildings.

Buildings in which medicated feeds are manufactured, processed, packaged, labeled, or held shall be maintained in a reasonably clean and orderly manner and shall be of suitable size, construction, and location in relation to surroundings to facilitate maintenance and operation for their intended purpose. The buildings shall:

(a) Provide adequate space for the orderly placement of equipment and materials used in any of the following operations for which they are employed, to minimize any risk of mixups between different medicated feeds, their components, packaging, or labeling:

(1) The receipt, control, and storage of components.

(2) Any manufacturing and processing operations performed on the medicated feed.

(3) Any packaging and labeling operations.

(4) Storage of containers, packaging materials, labeling, and finishing products.

(b) Provide adequate lighting and other physical facilities necessary to prevent unsafe contamination of raw materials and finished products before, during, and after production.

(c) Provide for adequate washing, cleaning, toilet, and locker facilities.

Work areas and equipment used for the production of medicated feeds or for the storage of the components of medicated feeds shall not be used for the production, mixing, or storage of finished or unfinished insecticides, fungicides, or rodenticides or their components.

##### § 133.102 Equipment.

Equipment used for the manufacture, processing, packaging, bulk shipment, labeling, holding, or control of medicated feeds or their components shall be main-

tained in a reasonably clean and orderly manner and shall be of suitable design, size, construction, and location in relation to surroundings to facilitate maintenance and operation for its intended purpose. The equipment shall:

(a) Be so constructed that any surfaces that come into contact with medicated feeds are suitable, in that they are not reactive, additive, or absorptive to an extent that significantly affects the identity, strength, quality, or purity of the medicated feed or its components.

(b) Be so constructed that any substance required for the operation of the equipment, such as lubricants, coolants, etc., may be employed without hazard of becoming an unsafe additive to the medicated feed.

(c) Be constructed to facilitate adjustment, cleaning, and maintenance, and to assure uniformity of production and reliability of control procedures and to assure the exclusion from medicated feeds of unsafe contamination, including cross-contamination from manufacturing operations.

(d) Be suitably grounded electrically to prevent lack of uniform mixing due to electrically charged particles.

(e) Be of suitable size and accuracy for use in any intended measuring, mixing, or weighing operations.

##### § 133.103 Personnel.

The key employees and/or consultants responsible for the formulation, manufacture, and control of the medicated feed shall have a background of education or experience or a combination thereof that is adequate to assure proper composition and labeling of the medicated feeds.

##### § 133.104 Components.

(a) Drug components, including undiluted drugs and any intermediate mixes containing drugs used in the manufacture and processing of medicated feeds, shall be received, stored, handled, and otherwise controlled in a manner to maintain the integrity and identification of such articles. Appropriate receipt and inventory records shall be maintained for 1 year and such records shall show the origin of any drug components, the batches in which they were used, and the results of any testing of them by or on behalf of the medicated-feed manufacturer.

(b) Nondrug components shall be stored and otherwise handled in a manner to avoid unsafe contamination, including cross-contamination from manufacturing operations.

(c) Statements relating to the identification and the quantitative composition appearing on the labels of undiluted drugs or other drug components received by the medicated-feed manufacturer from other suppliers may be relied upon by the medicated-feed manufacturer as acceptable evidence of the identity and composition of the drug or drug com-



ponents in lieu of actual testing of each such drug or drug component if such reliance is made in good faith.

**§ 133.105 Formula and production records.**

(a) For each medicated feed, a master formula record or card shall be prepared, checked, and maintained by a responsible key employee and retained for at least 1 year after production of the last batch. The formula record or card shall include at least the following:

(1) The name of the medicated feed, together with any other information necessary for the correct identification of the feed.

(2) The weight or measure of each ingredient, adequately identified, to be used in manufacturing a stated weight of the medicated feed.

(3) A copy, description, or notation adequately identifying the label, labeling, or placard necessary to be used on or with the complete medicated feed.

(4) Manufacturing instructions for each medicated feed produced on a batch or continuous operation basis, including mixing steps, mixing times, and batch formulas that have been determined to yield an adequately mixed medicated feed; and in the case of medicated feeds produced by continuous production run, any additional manufacturing directions including, when indicated, the settings of equipment that have been determined to yield an adequately mixed medicated feed of the specified formula.

(5) Appropriate control directions, including the manner and frequency with which any necessary samples of the medicated feed are to be taken for specified laboratory tests, the criteria for using laboratory test results to change formulations or manufacturing procedures, and the procedures to be observed to avoid unsafe contamination of the medicated feed with other medicated feeds or drug components.

(b) A production record shall be prepared for each batch or run of medicated feed produced, and shall be retained for at least 1 year. The production record shall include:

(1) Product identification, date of production, and endorsement by a responsible individual.

(2) A record of the quantity of drug components used.

(3) A record of the quantity of medicated feed produced.

(c) In the case of a customer-formula feed made to the specifications of a customer, the formula and production records required by this section may consist of copies of customers' purchase orders and sellers' invoices bearing the information required by this section.

**§ 133.106 Production and control procedures.**

Production and control procedures shall include all reasonable precautions, including the following, to assure that the medicated feeds produced are of proper composition and labeling:

(a) Each critical step in the process, such as the selection, weighing, and measuring of components; the addition of drugs or components during the process; the control of mixing times; the ad-

justment of the equipment involved in continuous production processes; and the determination of the finished yield, shall be performed in a manner that has been determined by appropriate methods, including laboratory testing of the medicated feed, to be adequate to assure the integrity of the final product. If such steps in the processing are controlled by precision, automatic, mechanical, or electronic equipment, provision shall be made to adequately check its performance.

(b) All containers to be used for undiluted drugs, drug components, intermediate mixtures, and finished feeds shall be received, adequately identified, and properly stored and handled in a manner adequate to prevent mixups or contamination.

(c) Equipment, including dust-control and other equipment, such as that used for holding and returning recovered or flush-out materials back into production, shall be maintained and operated in such a manner as to prevent unsafe contamination of the medicated feed.

(d) The steps used to prevent unsafe contamination of medicated feed include one or more of the following, or other equally effective procedures:

(1) Cleaning of those parts of storage, mixing, conveying, and any other equipment coming in contact with the drug component of the medicated feed for the purpose of cleaning out of the equipment any drug, drug component, or medicated feed prior to the use of the same equipment for the production of a different medicated feed.

(2) The cleaning of the equipment as required in subparagraph (1) of this paragraph, may be achieved by flushing all feed-contacting surfaces of such equipment used in the production of a medicated feed with a quantity of an appropriate drug-free feedstuff that has been found sufficient to remove any significant quantity of a drug component or an intermediate mix or complete medicated feed prior to the production of a different medicated feed. The yield from any such flushing operation may be incorporated in appropriate amounts in the subsequent production of a medicated feed intended to contain the same drug component (or components) to produce a complete medicated feed conforming to its composition and labeling specifications.

(e) If there is sequential production of batches of a medicated feed containing the same drug component (or components) at the same or lower levels, there shall be sufficient safeguards to avoid any buildup above the specified levels of the drug components in any of the batches of the complete feed.

(f) A sampling and assay schedule on the finished medicated feed, or a schedule at least as reliable, for checking on the composition of the finished article shall be applied as follows:

(1) In the case of a medicated feed that requires an approved new-drug application or antibiotic form 10 for its manufacture and marketing, the schedule of assays established in such application shall be used.

(2) In the case of a medicated feed that does not require an approved new-

drug application or antibiotic form 10 for its marketing, three appropriately drawn samples from each 400 tons of such medicated feeds produced shall be taken at appropriately spaced intervals over the production period, and, in any event, not less than three such samples of each particular medicated feed during any 1 year shall be collected and analyzed. For the purposes of this subparagraph, the term "each particular medicated feed" shall be construed to include all feeds containing the same drug component (or the same mixture of components) at different levels. The collection and analysis of samples shall be from the medicated feed containing the highest level of the drug component (or mixture of components).

(3) A medicated feed covered by subparagraph (2) of this paragraph shall be exempt from the prescribed sampling and analytical schedule under the following conditions:

(i) The manufacturing practices used in the production of the medicated feed were consistent with the regulations of this part; and

(ii) The manufacturer of the medicated feed has produced at least 3 batches of such feed conforming to composition and labeling specifications during the 1-year period immediately preceding the date of manufacture of the feed and during that period has not been notified by the Food and Drug Administration or any State regulatory official that his manufacturing practices were in conflict with section 501(a)(2)(B) of the act or the regulations of this part and has not distributed a medicated feed during that period which has been proceeded against under the act because of failure of such feed to comply with its composition or labeling requirements or which has been analyzed by any State official and found to be deficient; and

(iii) The medicated feed contains only, as the drug component (or components), a low-level growth-promotion antibiotic (or antibiotics) as provided by and in accordance with the regulations in Part 121 of this chapter; it was manufactured from a feed additive premix, feed additive concentrate, or feed additive supplement that, at the time of receipt by the medicated-feed manufacturer, bore a label, or was accompanied by labeling, containing a quantitative composition statement of its antibiotic content together with directions for its use in the manufacturing of a legal medicated feed; and the medicated-feed manufacturer, in good faith, relied upon and followed the feed additive premix, concentrate, or supplement label or labeling information and directions for use in the manufacturing of the medicated feed; or

(iv) The medicated feed contains only, as the drug component (or components), a drug (or drugs) as provided by and in accordance with the regulations in Part 121 of this chapter; it was manufactured from a feed additive concentrate or feed additive supplement that, at the time of receipt by the medicated-feed manufacturer, bore a label, or was accompanied by labeling, containing the quantitative composition of



its drug content together with directions for its use in the manufacturing of a legal medicated feed; and the medicated-feed manufacturer, in good faith, relied upon and followed the feed additive concentrate or supplement label or labeling information and directions for use in the manufacturing of the medicated feed; or

(v) The medicated feed contains only drug components as provided by and in accordance with the regulations in Part 121 of this chapter and was manufactured from a feed additive supplement, a low level growth-promotion antibiotic premix, a low level growth-promotion antibiotic concentrate, a feed additive concentrate, or a combination of any two of these used in accordance with the conditions set forth in subdivisions (ii), (iii), and (iv) of this subparagraph.

(g) Production and control procedures shall include provision for discontinuing distribution of any medicated feed found by the assay procedures, or any other controls performed, to fail to conform to appropriate specifications. Distribution of subsequent production shall not begin until it has been determined that proper control procedures have been established.

#### § 133.107 Packaging and labeling.

Packaging and labeling operations shall be adequately performed and controlled to assure that only those medicated feeds made in compliance with established formula records and manufacturing and control directions shall be distributed; to prevent mixups between the medicated feeds during the packaging and labeling operations; and to assure that correct labeling is employed for the medicated feed. In the case of medicated feeds distributed in bulk, complete labeling shall accompany the shipment and be supplied to the consignee at the time of delivery. Such labeling may consist of an invoice or placard identifying the medicated feed and bearing adequate information for the safe and effective use of the medicated feed. Labels and labeling shall be received, handled, and stored in a manner that avoids labeling mixups. Previously used containers shall be adequately cleaned and labeled before reuse to avoid adulteration or misbranding.

#### § 133.108 Laboratory controls.

Laboratory controls shall include the establishment of adequate specifications and test procedures to assure that the drug components and the finished medicated feeds conform to appropriate standards of identity, strength, quality, and purity. Laboratory controls shall include:

(a) The establishment of master records containing appropriate specifications and a description of the test procedures used to check them for each kind of drug used in the manufacture of medicated feeds; this may consist of the manufacturer's or supplier's statement of specifications.

(b) The establishment of finished-product specifications for medicated feeds and a description of any necessary laboratory test procedures to check them, including methods of assay for the active drug ingredient.

(c) A determination that the drug components remain uniformly dispersed and stable in the medicated feed under ordinary conditions of shipment, storage, and use; this may consist of a supplier's or consultant's determination made on a feed of substantially the same formula.

(d) Adequate provision to check the reliability, accuracy, and precision of any laboratory test procedure used; the official Methods of Analysis of the Association of Official Agricultural Chemists, methods described in an official compendium, and any method, submitted as a part of a food additive petition or new-drug application, which has been accepted by the Food and Drug Administration shall be regarded as meeting this provision.

(e) Provision for the maintenance of the results of any assays, including dates and endorsement of analysts. Such records, together with records of analyses reported by any State feed control official shall be retained in the possession of the manufacturer or in the possession of a consulting laboratory operating in his behalf. Such records shall be maintained for a period of at least 1 year after distribution of the medicated feed has been completed.

#### § 133.109 Distribution records.

Complete records shall be maintained for each shipment of medicated feeds in a manner that will facilitate the recall, diversion, or destruction of the medicated feed, if necessary. Such records shall be retained for at least 6 months after the date of the shipment, and shall include the name and address of the consignee, the date and quantity shipped, and the manufacturing dates, control numbers, or marks identifying the medicated feed shipped. If the medicated feed is held under control of the manufacturer for further shipment at establishments other than where produced, records as outlined in this section shall be maintained at these establishments.

#### § 133.110 Complaint files.

The medicated-feed manufacturer shall evaluate by responsible key personnel each complaint received by him on a feed that is manufactured or distributed by him and, where indicated, make such further investigations or take such appropriate action as appears to be warranted in the circumstances. A record of complaints and the action taken by the feed manufacturer shall be maintained for a period of 2 years. If the medicated feed is the subject of an approved new-drug application held by the feed manufacturer, he shall make such reports as are required by § 130.13 of this chapter.

**Effective date.** This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Secs. 501(a)(2)(B), 701(a); 52 Stat. 1050 as amended 76 Stat. 780, 781; 1055; 21 U.S.C. 351(a)(2)(B), 371(a))

Dated: May 6, 1965.

GEO. P. LARRICK,  
Commissioner of Food and Drugs.

[F.R. Doc. 65-4979; Filed, May 10, 1965; 8:48 a.m.]

## PART 121—FOOD ADDITIVES

### Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

#### TECHNICAL WHITE MINERAL OIL; UNIFORMITY OF NOMENCLATURE

In the matter of amending § 121.246, one comment was received with reference to the notice of proposed rulemaking published in the FEDERAL REGISTER of February 27, 1965 (30 F.R. 2605). This comment was directed to the specifications of technical white mineral oil as defined in § 121.2589. The objection contained in this comment has been resolved by an amendment to § 121.2589 which was promulgated by publication in the FEDERAL REGISTER of April 16, 1965 (30 F.R. 5475).

Accordingly, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(d), 72 Stat. 1787; 21 U.S.C. 348(d)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90), the proposed amendment to § 121.246 is made effective without change. The introduction and paragraphs (a) and (c) of § 121.246 are revised to read as follows:

#### § 121.246 Mineral oil.

Mineral oil may be safely used in animal feed, subject to the provisions of this section.

(a) Mineral oil, for the purpose of this section, is that complying with the definition and specifications contained in § 121.1146 (a) and (b) or in § 121.2589 (b) (1) (i) and (ii).

(c) The quantity of mineral oil used in animal feed shall not exceed 3.0 percent in mineral supplements, nor shall it exceed 0.06 percent of the total ration when present in feed or feed concentrates.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

**Effective date.** This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(d), 72 Stat. 1787; 21 U.S.C. 348(d))

Dated: May 5, 1965.

GEO. P. LARRICK,  
Commissioner of Food and Drugs.

[F.R. Doc. 65-4930; Filed, May 10, 1965; 8:47 a.m.]



## PART 121—FOOD ADDITIVES

## Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

## RESINOUS AND POLYMERIC COATINGS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 4B1444) filed by Fukuoka Packing Co., Ltd., 26, Ebisudori-2-Chome, Shibuya-Ku, Tokyo, Japan, and other relevant material, has concluded that the food additive regulations should be amended to provide for the use of additional substances in the production of resinous and polymeric food-contact coatings. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90), § 121.2514(b)(3)(xxxi) is amended by inserting alphabetically in the list, the following new items:

## § 121.2514 Resinous and polymeric coatings.

(b) \* \* \*

(3) \* \* \*

(xxxi) \* \* \*

Butadiene-styrene-fumaric acid copolymer, 4,4'-Butyldienebis(6-tert-butyl-m-cresol).

Sodium decylbenzene sulfonate.

Tetrasodium EDTA (tetrasodium ethylenediaminetetraacetate).

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

**Effective date.** This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: May 4, 1965.

GEO. P. LARRICK,  
Commissioner of Food and Drugs.

[F.R. Doc. 65-4932; Filed, May 10, 1965; 8:47 a.m.]

## PART 121—FOOD ADDITIVES

## Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

## DEFOAMING AGENTS USED IN MANUFACTURE OF PAPER AND PAPERBOARD

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 5B1501) filed by Theodore T. Tams, Jr., 188 Nassau Street, Princeton, N.J., and other relevant material, has concluded that the food additive regulations should be amended to provide for the use of additional substances as defoaming agents in the manufacture of paper and paperboard that contact food. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90), § 121.2519(d)(3) is amended by inserting alphabetically therein three new items, as follows:

## § 121.2519 Defoaming agents used in the manufacture of paper and paperboard.

(d) \* \* \*

(3) \* \* \*

Potassium distearyl phosphate.

Sodium distearyl phosphate.

Tristearyl phosphate.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

**Effective date.** This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: May 4, 1965.

GEO. P. LARRICK,  
Commissioner of Food and Drugs.

[F.R. Doc. 65-4931; Filed, May 10, 1965; 8:47 a.m.]

## Title 5—ADMINISTRATIVE PERSONNEL

## Chapter I—Civil Service Commission

## PART 213—EXCEPTED SERVICE

## Department of State

In Federal Register Document 65-4709 appearing in the issue for Wednesday, May 5, 1965, at page 6241, the explanatory statement in regard to § 213.3304 is corrected so that the first two sentences read as follows:

Section 213.3304 is amended to recognize the replacement of the office of the Under Secretary for Political Affairs by the office of the Under Secretary for Economic Affairs and the appointment of the former Under Secretary for Political Affairs as Ambassador-at-Large. Because of these changes, two new positions, Personal Assistant and Staff Assistant to the Under Secretary for Economic Affairs, are excepted under Schedule C; one position of Special Assistant and the position of Private Secretary in the office of the Under Secretary for Political Affairs are now in the office of the Under Secretary for Economic Affairs; and one position of Special Assistant and the position of Personal Assistant in the office of the Under Secretary for Political Affairs are now in the office of the Ambassador-at-Large.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 P.R. 7521, 3 CFR, 1954-1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] MARY V. WENZEL,  
Executive Assistant to the Commissioners.

[F.R. Doc. 65-4938; Filed, May 10, 1965; 8:48 a.m.]

## Title 14—AERONAUTICS AND SPACE

## Chapter I—Federal Aviation Agency

[Airspace Docket No. 64-WA-107]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

## Designation of Federal Airway

On February 6, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 1300) stating that the Federal Aviation Agency was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate an east alternate to VOR Federal airway No. 455 from New Orleans, La., via Gulfport, Miss., to Hattiesburg, Miss.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.



In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., June 24, 1965, as hereinafter set forth.

In § 71.123 (29 F.R. 17509), V-455 is amended by deleting "including a W alternate from New Orleans" and substituting "including an E alternate from New Orleans to Hattiesburg, via INT New Orleans 070° and Gulfport, Miss. 247° radials, Gulfport, INT Gulfport 344° and Hattiesburg 171° radials, and a W alternate from New Orleans" therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 29, 1965.

DANIEL E. BARROW,  
Chief, Airspace Regulations  
and Procedures Division.

[F.R. Doc. 65-4920; Filed, May 10, 1965;  
8:46 a.m.]

## Title 7—AGRICULTURE

Chapter II—Consumer and Marketing  
Service (School Lunch Program),  
Department of Agriculture

### PART 210—NATIONAL SCHOOL LUNCH PROGRAM

Appendix—Second Apportionment of  
Food Assistance Funds Pursuant to  
National School Lunch Act Fiscal  
Year 1965

#### Correction

In F.R. Doc. 65-4661 appearing at page 6207 in the issue for Tuesday, May 4, 1965, the following change should be made: In the second column of the table, the total apportionment entry for Arizona reading "1,128,886" should read "1,128,886".

Chapter IX—Consumer and Marketing  
Service (Marketing Agreements  
and Orders; Fruits, Vegetables,  
Tree Nuts), Department of Agriculture

[Lemon Reg. 159, Amdt. 1]

### PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

#### Limitation of Handling

**Findings.** (1) Pursuant to the marketing agreement, as amended, and this part (Order No. 910, as amended), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

No. 90—3

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

**Order, as amended.** The provisions in paragraph (b) (1) (ii) of § 910.459 (Lemon Regulation 159, 30 F.R. 6148) are hereby amended to read as follows:

#### § 910.459 Lemon Regulation 159.

- (b) **Order.** (1) \* \* \*
- (ii) District 2: 325,500 cartons.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: May 6, 1965.

PAUL A. NICHOLSON,  
Deputy Director, Fruit and Veg-  
etable Division, Consumer  
and Marketing Service.

[F.R. Doc. 65-4918; Filed, May 10, 1965;  
8:46 a.m.]

[970.305 Amdt. 6]

### PART 970—CARROTS GROWN IN SOUTH TEXAS

#### Limitation of Shipments

**Findings.** (a) Pursuant to Marketing Agreement No. 142 and this part (Order No. 970), both as amended, regulating the handling of carrots grown in designated counties in South Texas, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601 et seq.), and upon the basis of the recommendation and information submitted by the South Texas Carrot Committee, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the amendment to the limitation of shipments hereinafter set forth will tend to effectuate the declared policy of the act and is warranted, and will maintain orderly marketing conditions tending to increase returns to carrot growers in the production area.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, or engage in public rule making procedure, and that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003) in that (1) the 1964-65 marketing season for South Texas carrots is currently in progress and volume shipments are now being made, (2) to maximize benefits to growers, this amendment should apply to

as many shipments of carrots as possible during the remainder of the 1964-65 season, (3) compliance with this amendment will not require any special preparation on the part of handlers which cannot be completed by the time this amendment becomes effective, (4) information regarding the committee's recommendation has been disseminated to producers and handlers in the production area, and (5) this amendment relieves restrictions on the handling of carrots grown in the production area.

**Order, as amended.** In § 970.305 (29 F.R. 15018, 30 F.R. 305, 644, 777, 880, 1728) amend the introductory paragraph and paragraph (b) to read as follows:

#### § 970.305 Limitation of shipments.

During the period from May 7, 1965, through June 30, 1965, no handler shall (1) package or load carrots on Sundays, or (2) handle any lots of carrots grown in the production area unless such carrots meet the grade requirements of paragraph (a) of this section, and one of the size designations of paragraph (b) of this section, and meet the container and pack requirements of paragraphs (c) and (d) of this section, or unless such carrots are handled in accordance with provisions of paragraphs (e), (f), (g), and (h) of this section.

(b) **Sizing requirements.**—(1) *Medium-to-large.*  $\frac{3}{4}$  inch minimum diameter to 1  $\frac{1}{2}$  inches maximum diameter, 5  $\frac{1}{2}$  inches minimum length, with an average of 30 percent by count 1 inch minimum diameter or larger and no sample with less than 15 percent by count 1 inch or larger in diameter.

(2) *Jumbos.* 1 inch minimum diameter to 2 inches maximum diameter and 6 inches minimum length.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601 et seq.)

Dated: May 6, 1965, to become effective May 7, 1965.

PAUL A. NICHOLSON,  
Deputy Director, Fruit and  
Vegetable Division, Consumer  
and Marketing Service.

[F.R. Doc. 65-4941; Filed, May 10, 1965;  
8:48 a.m.]

## Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Nat-  
uralization Service, Department of  
Justice

### PART 214—NONIMMIGRANT CLASSES

#### Approval of Schools

The following amendment to Chapter I of Title 8 of the Code of Federal Regulations is hereby prescribed:

Paragraph (c) of § 214.3 is amended to read as follows:

#### § 214.3 Petitions for approval of schools.



(c) *Consultation with United States Office of Education.* The United States Office of Education has been consulted by the Service and has advised that each of the following is considered an established institution of learning or other recognized place of study, is operating a bona fide school, and has the necessary facilities, personnel, and finances to instruct in recognized courses: (1) A school (or school system) owned or operated as a public educational institution by the United States or a State or political subdivision thereof; (2) a school listed in the current United States Office of Education publication, "Accredited Higher Institutions" or "Education Directory, Part 3, Higher Education;" or (3) a secondary school operated by or as part of an institution of higher learning listed in the current United States Office of Education publication, "Accredited Higher Institutions" or "Education Directory, Part 3, Higher Education." Before a decision is made on a petition filed by any other school, the United States Office of Education shall be consulted by the district director to determine whether the petitioner is an established institution of learning or other recognized place of study, is operating a bona fide school, and has the necessary facilities, personnel, and finances to instruct in recognized courses.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall be effective on the date of its publication in the *FEDERAL REGISTER*. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rule prescribed by the order relates to agency procedure.

Dated: May 5, 1965.

RAYMOND F. FARRELL,  
Commissioner of  
Immigration and Naturalization.

[P.R. Doc. 65-4915; Filed, May 10, 1965;  
8:45 a.m.]

## Title 26—INTERNAL REVENUE

### Chapter I—Internal Revenue Service, Department of the Treasury

#### SUBCHAPTER A—INCOME TAX

[T.D. 6824]

### PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

#### Records and Accounts of United States Shareholders

On March 2, 1965, notice of proposed rule making was published in the *FEDERAL REGISTER* (30 F.R. 2669) with respect to the amendments of the Income Tax Regulations (26 CFR Part 1) to conform such regulations to section 964(c) of the Internal Revenue Code of 1954, as added by section 12(a) of the Revenue Act of 1962 (76 Stat. 1006). After considera-

tion of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendments of the regulations as proposed are hereby adopted, subject to the following change:

Paragraph (d) (1) of § 1.964-4, as set forth in paragraph 2 of the notice of proposed rule making, is amended by striking out the word "and" at the end of subdivision (vi).

[SEAL] SHELDON S. COHEN,  
Commissioner of Internal Revenue.

Approved: May 5, 1965.

STANLEY S. SURREY,  
Assistant Secretary of the  
Treasury.

In order to conform the Income Tax Regulations (26 CFR Part 1) to section 964(c) of the Internal Revenue Code of 1954, as added by section 12(a) of the Revenue Act of 1962 (76 Stat. 1006), such regulations are amended as follows, effective with respect to taxable years of foreign corporations beginning after December 31, 1962, and to taxable years of United States shareholders within which or with which such taxable years of such foreign corporations end:

PARAGRAPH 1. Section 1.964 is amended by adding subsections (b) and (c) to section 964 and by revising the historical note as follows:

#### § 1.964 Statutory provisions; miscellaneous provisions.

##### Sec. 964. Miscellaneous provisions. . . .

(b) *Blocked foreign income.* Under regulations prescribed by the Secretary or his delegate, no part of the earnings and profits of a controlled foreign corporation for any taxable year shall be included in earnings and profits for purposes of sections 952, 955, and 956, if it is established to the satisfaction of the Secretary or his delegate that such part could not have been distributed by the controlled foreign corporation to United States shareholders who own (within the meaning of section 958(a)) stock of such controlled foreign corporation because of currency or other restrictions or limitations imposed under the laws of any foreign country.

(c) *Records and accounts of United States shareholders.*—(1) *Records and accounts to be maintained.* The Secretary or his delegate may by regulations require each person who is, or has been, a United States shareholder of a controlled foreign corporation to maintain such records and accounts as may be prescribed by such regulations as necessary to carry out the provisions of this subpart and subpart G.

(2) *Two or more persons required to maintain or furnish the same records and accounts with respect to the same foreign corporation.* Where, but for this paragraph, two or more United States persons would be required to maintain or furnish the same records and accounts as may be required by regulations under paragraph (1) with respect to the same controlled foreign corporation for the same period, the Secretary or his delegate may by regulations provide that the maintenance or furnishing of such records and accounts by only one such person shall satisfy the requirements of paragraph (1) for such other persons.

[Sec. 964 as added by sec. 12(a), Rev. Act 1962 (76 Stat. 1006)]

PAR. 2. There are inserted immediately after § 1.964-1 the following new sections:

#### § 1.964-2 [Reserved]

#### § 1.964-3 Records to be provided by United States shareholders.

(a) *Shareholder's responsibility for providing records.* For purposes of verifying his income tax liability in respect of amounts includible in income under section 951 for the taxable year of a controlled foreign corporation each United States shareholder (as defined in section 951(b)) who owns (within the meaning of section 958(a)) stock of such corporation shall, within a reasonable time after demand by the district director, provide the district director—

(1) Such permanent books of account or records as are sufficient to satisfy the requirements of section 6001 and section 964(c), or true copies thereof, as are reasonably demanded, and

(2) If such books or records are not maintained in the English language, either (i) an accurate English translation of such books or records or (ii) the services of a qualified interpreter satisfactory to the district director.

If such books or records are being used by another district director, the United States shareholder upon whom the district director has made a demand to provide such books or records shall file a statement of such fact with his district director, indicating the location of such books or records. For the length of time the United States shareholder of a controlled foreign corporation must cause such books or records as are under his control to be retained, see paragraph (e) of § 1.6001-1.

(b) *Records to be provided.* Except as otherwise provided in paragraph (c) of this section, the requirements of section 6001 and section 964(c) for record keeping shall be considered satisfied if the books or records produced are sufficient to verify for the taxable year—

(1) The subpart F income of the controlled foreign corporation and, if any part of such income is excluded from the income of the United States shareholder under section 963 or section 970(a), the application of such exclusion,

(2) The previously excluded subpart F income of such corporation withdrawn from investment in less developed countries,

(3) The previously excluded export trade income of such corporation withdrawn from investment, and

(4) The increase in earnings invested by such corporation in United States property.

(c) *Special rules.* Verification of the subpart F income of the controlled foreign corporation for the taxable year shall not be required if—

(1) It can be demonstrated to the satisfaction of the district director that—

(i) The locus and nature of such corporation's activities were such as to make it unlikely that the foreign base company income of such corporation (determined in accordance with paragraph (d) (3) (i) of § 1.954-1) exceeded 20 percent of its gross income (determined in accordance with paragraph (d) (3) (ii) of § 1.954-1) for the taxable year, and

(ii) If such corporation reinsures or issues insurance or annuity contracts in



connection with United States risks, the 5-percent minimum premium requirement prescribed in paragraph (b) of § 1.953-1 has not been exceeded for the taxable year, or

(2) The United States shareholder's pro rata share of such subpart F income is excluded in full from his income under section 963 and the books or records verify the application of such exclusion.

**§ 1.964-4 Verification of certain classes of income.**

(a) *In general.* The provisions of this section shall apply for purposes of determining when books or records are sufficient for purposes of § 1.964-3 to verify the classes of income described in such section.

(b) *Subpart F income.* Books or records sufficient to verify the subpart F income of a controlled foreign corporation must establish for the taxable year—

(1) Its gross income and deductions, (2) The income derived from the insurance of United States risks (as provided in paragraph (c) of this section), (3) The foreign base company income (as provided in paragraph (d) of this section), and

(4) In the case of a United States shareholder claiming the benefit of the exclusion provided in section 952(b) or the limitation provided in section 952(c)—

(i) The items of income excluded from subpart F income by paragraph (b) of § 1.952-1 as income derived from sources within the United States, the United States income tax incurred with respect thereto, and the deductions properly allocable thereto and connected therewith, and

(ii) The earnings and profits, or deficit in earnings and profits, of any foreign corporation necessary for the determinations provided in paragraphs (c) and (d) of § 1.952-1.

(c) *Income from insurance of United States risks.* Books or records sufficient to verify the income of a controlled foreign corporation from the insurance of United States risks must establish for the taxable year—

(1) That the 5-percent minimum premium requirement prescribed in paragraph (b) of § 1.953-1 has not been exceeded, or

(2) The taxable income, as determined under § 1.953-4 or § 1.953-5, which is attributable to the reinsuring or the issuing of any insurance or annuity contracts in connection with United States risks, as defined in § 1.953-2 or § 1.953-3.

(d) *Foreign base company income and exclusions therefrom.* Books or records sufficient to verify the income of a controlled foreign corporation which is foreign base company income must establish for the taxable year the following items:

(1) *Foreign personal holding company income.* The foreign personal holding company income to which section 954(c) and § 1.954-2 apply, for which purpose there must be established the gross income from—

(i) All rents and royalties, (ii) Rents and royalties received in the active conduct of a trade or business from an unrelated person, as determined

under section 954(c)(3)(A) and paragraph (d)(1) of § 1.954-2,

(iii) Rents and royalties received from a related person for the use of property in the country of incorporation of the controlled foreign corporation, as determined under section 954(c)(4)(C) and paragraph (e)(3) of § 1.954-2,

(iv) All dividends, interest, and, except where the controlled foreign corporation is a regular dealer in stock or securities, all gains and losses from the sale or exchange of stock or securities,

(v) Dividends, interest, and gains from the sale or exchange of stock or securities, received in the conduct of a banking, financing, or insurance business from an unrelated person, as determined under section 954(c)(3)(B) and paragraph (d)(2) and (3) of § 1.954-2,

(vi) Dividends and interest received from a related corporation organized in the country of incorporation of the controlled foreign corporation, as determined under section 954(c)(4)(A) and paragraph (e)(1) of § 1.954-2,

(vii) Interest received in the conduct of a banking or other financing business from a related person, as determined under section 954(c)(4)(B) and paragraph (e)(2) of § 1.954-2,

(viii) All annuities, (ix) All gains from commodities transactions described in section 553(a)(3),

(x) All income from estates and trusts described in section 553(a)(4),

(xi) All income from personal service contracts described in section 553(a)(5), and

(xii) All compensation for the use of corporate property by shareholders described in section 553(a)(6).

(2) *Foreign base company sales income.* The foreign base company sales income to which section 954(d) and § 1.954-3 apply, for which purpose there must be established the gross income from—

(i) All sales by the controlled foreign corporation of its personal property and all purchases or sales of personal property by such corporation on behalf of another person,

(ii) Purchases and/or sales of personal property in connection with transactions not involving related persons (as defined in paragraph (e)(2) of § 1.954-1),

(iii) Purchases and/or sales of personal property manufactured, produced, etc., in the country of incorporation of the controlled foreign corporation, as determined under paragraph (a)(2) of § 1.954-3,

(iv) Purchases and/or sales of personal property for use, etc., in the country of incorporation of the controlled foreign corporation, as determined under paragraph (a)(3) of § 1.954-3, and

(v) Sales of personal property manufactured or produced by the controlled foreign corporation, as determined under paragraph (a)(4) of § 1.954-3.

Where an item of income falls within more than one of subdivisions (ii) through (v) of this subparagraph, it shall be sufficient to establish that it falls within any one of them. If a branch or similar establishment is treated as a wholly owned subsidiary corpo-

ration through the application of section 954(d)(2) and paragraph (b) of § 1.954-3, the requirements of this subparagraph shall be satisfied separately for each branch or similar establishment so treated and for the remainder of the controlled foreign corporation.

(3) *Foreign base company services income.* The foreign base company services income to which section 954(e) and § 1.954-4 apply, for which purpose there must be established the gross income from—

(i) All services performed by the controlled foreign corporation,

(ii) Services other than those (as determined under paragraph (b) of § 1.954-4) performed for, or on behalf of, a related person,

(iii) Services performed in the country of incorporation of the controlled foreign corporation, as determined under paragraph (c) of § 1.954-4, and

(iv) Services performed in connection with the sale or exchange of, or with an offer or effort to sell or exchange, personal property manufactured, produced, etc., by the controlled foreign corporation, as determined under paragraph (d) of § 1.954-4.

Where an item of income falls within more than one of subdivisions (ii) through (iv) of this subparagraph, it shall be sufficient to establish that it falls within any one of them.

(4) *Qualified investments in less developed countries.* The gross income from dividends, interest, and gains received from qualified investments in less developed countries and excluded from foreign base company income under section 954(b)(1) and paragraph (b)(1) of § 1.954-1. If the controlled foreign corporation has a qualified investment in a less developed country corporation, it shall be necessary to establish, from the books or records of the less developed country corporation, that such less developed country corporation meets the requirements of section 955(c) and § 1.955-5.

(5) *Income derived from aircraft or ships.* The gross income derived from aircraft or ships which is excluded from foreign base company income under section 954(b)(2) and paragraph (b)(2) of § 1.954-1.

(6) *Income on which taxes are not substantially reduced.* The gross income excluded from foreign base company income under section 954(b)(4) and paragraph (b)(3) of § 1.954-1 in the case of a controlled foreign corporation not availed of to substantially reduce income taxes, the income or similar taxes incurred with respect thereto, and all other factors necessary to verify the application of such exclusion.

(7) *Deductions.* The deductions allocable, under paragraph (c) of § 1.954-1, to each of the classes and subclasses of gross income described in subparagraphs (1) through (6) of this paragraph.

(e) *Exclusion under section 963.* Books or records sufficient to verify the application of the exclusion provided by section 963 with respect to the subpart F income for the taxable year of a controlled foreign corporation must estab-



lish that the conditions set forth in paragraph (a) (2) of § 1.963-1 have been met.

(f) *Exclusion under section 970(a).* Books or records sufficient to verify the application for the taxable year of the exclusion provided by section 970(a) in respect of export trade income which is foreign base company income must establish for such year—

(1) That the controlled foreign corporation is an export trade corporation, as defined in section 971(a) and paragraph (a) of § 1.971-1.

(2) The export trade income, as determined under section 971(b) and paragraph (b) of § 1.971-1, which constitutes foreign base company income.

(3) The export promotion expenses, as determined under section 971(d) and paragraph (d) of § 1.971-1, which are allocable to the excludable export trade income.

(4) The gross receipts, and the gross amount on which is computed compensation included in gross receipts, from property in respect of which the excludable export trade income is derived, as described in section 970(a) (1) (B) and paragraph (b) (2) (ii) of § 1.970-1, and

(5) The increase in investments in export trade assets, as determined under section 970(c) (2) and paragraph (d) (2) of § 1.970-1.

(g) *Withdrawal of previously excluded subpart F income from qualified investment.* Books or records sufficient to verify the previously excluded subpart F income of the controlled foreign corporation withdrawn from investment in less developed countries for the taxable year must establish—

(1) The sum of the amounts of income excluded from foreign base company income under section 954(b) (1) and paragraph (b) (1) of § 1.954-1 for all prior taxable years.

(2) The sum of the amounts of previously excluded subpart F income withdrawn from investment in less developed countries for all prior taxable years, as determined under section 955(a) and paragraph (b) of § 1.955-1, and

(3) The amount withdrawn from investment in less developed countries for the taxable year as determined under section 955(a) and paragraph (b) of § 1.955-1.

(h) *Withdrawal of previously excluded export trade income from investment.* Books or records sufficient to verify the previously excluded export trade income of the controlled foreign corporation withdrawn from investment for the taxable year must establish the United States shareholder's proportionate share of—

(1) The sum of the amounts by which the subpart F income of such corporation was reduced for all prior taxable years under section 970(a) and paragraph (b) of § 1.970-1.

(2) The sum of the amounts described in section 970(b) (1) (B).

(3) The sum of the amounts of previously excluded export trade income of such corporation withdrawn from investment under section 970(b) and paragraph (c) of § 1.970-1 for all prior taxable years, and

(4) The amount withdrawn from investment under section 970(b) and para-

graph (c) of § 1.970-1 for the taxable year.

(i) *Increase in earnings invested in United States property.* Books or records sufficient to verify the increase for the taxable year in earnings invested by the controlled foreign corporation in United States property must establish—

(1) The amount of such corporation's earnings invested in United States property (as defined in section 956(b) (1) and paragraph (a) of § 1.956-2) at the close of the current and preceding taxable years, as determined under paragraph (b) of § 1.956-1.

(2) The amount of excluded property described in section 956(b) (2) and paragraph (b) of § 1.956-2 held by such corporation at the close of such years.

(3) The earnings and profits, to which section 959(c) (1) and paragraph (b) (1) of § 1.959-3 apply, distributed by such corporation during the preceding taxable year, and

(4) The amount of increase in earnings invested by such corporation in United States property which is excluded from the United States shareholder's gross income for the taxable year under section 959(a) (2) and paragraph (c) of § 1.959-1.

(Sec. 7805 of the Internal Revenue Code of 1954; 68A Stat. 917; 26 U.S.C. 7805)

[F.R. Doc. 65-4921; Filed, May 10, 1965; 8:46 a.m.]

## Title 29—LABOR

### Chapter V—Wage and Hour Division, Department of Labor

#### SUBCHAPTER A—REGULATIONS

### PART 690—FABRICATED PLASTIC PRODUCTS INDUSTRY IN PUERTO RICO

#### Wage Order

Pursuant to section 5 of the Fair Labor Standards Act of 1938 (29 U.S.C. 205), and by means of Administrative Order No. 589 (30 F.R. 586), the Secretary of Labor appointed and convened Industry Committee No. 72-C. Administrative Order No. 589 referred to Industry Committee No. 72-C the question of the minimum wage rate or rates to be paid under section 6(c) of the Act to employees in the fabricated plastic products industry in Puerto Rico and gave due notice of the hearing of the Committee, as provided in 29 CFR 511.2.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee filed with the Administrator a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938 (29 U.S.C. 208), Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp. p. 1004), and General Order No. 45-A of the Secretary of Labor (15 F.R. 3290), the recommendations of Industry Committee No. 72-C are hereinafter published in this revision of 29 CFR 690.2.

Effective May 27, 1965, 29 CFR 690.2 is amended to read as follows:

#### § 690.2 Wage rates.

The fabricated plastic products industry in Puerto Rico is divided into five classifications. Wages at rates not less than those prescribed in this section shall be paid under section 6(c) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in each of the classifications in the industry who in any workweek is engaged in commerce or in the production of goods for commerce or is employed in an enterprise engaged in commerce or the production of goods for commerce as those terms are defined in section 3 of the Act.

(a) *Previously covered classifications.* The classifications in this paragraph (a) apply to all activities in the industry to which section 6 of the Act applies without reference to the Fair Labor Standards Amendments of 1961.

(1) *Dinnerware, sprayer, and vaporizer classification.* (i) The minimum wage for this classification is \$1.25 an hour.

(ii) This classification is defined as consisting of the manufacture of plastic dinnerware, plastic sprayers, plastic vaporizers, and plastic atomizers.

(2) *Phonograph record classification.* (i) The minimum wage for this classification is \$1.25 an hour.

(ii) This classification is defined as the manufacture of phonograph records.

(3) *Wall tile classification.* (i) The minimum wage for this classification is \$1.05 an hour.

(ii) This classification is defined as the manufacture of plastic wall tile and wall tile accessories.

(4) *General classification.* (i) The minimum wage for this classification is 95 cents an hour.

(ii) This classification is defined as the manufacture of all products not included in the other classifications of the industry.

(b) *New coverage classification.* (1) The minimum wage for this classification is 85 cents an hour.

(2) This classification is defined as all activities of employees covered by section 6 of the Act, only by reason of the Fair Labor Standards Amendments of 1961 in the industry in Puerto Rico.

(Sec. 8, 52 Stat. 1064, as amended; 29 U.S.C. 208)

Signed at Washington, D.C., this 5th day of May 1965.

CLARENCE T. LUNDQUIST,  
Administrator.

[F.R. Doc. 65-4936; Filed, May 10, 1965; 8:48 a.m.]

## Title 36—PARKS, FORESTS, AND MEMORIALS

### Chapter V—National Zoological Park, Smithsonian Institution

### PART 502—SMITHSONIAN INSTITUTION REGULATIONS

#### Vehicle Parking

Effective 10 days following publication of this regulation in the FEDERAL REGISTER.



TER, Chapter V of Title 36 of the Code of Federal Regulations is amended by adding a new Part 502 as follows:

#### § 502.1 Vehicle parking.

(a) It shall be unlawful for any unauthorized person to park a motor vehicle in the unloading areas, service roads, and parking areas adjacent to buildings of the Smithsonian Institution located on the Mall in Washington, D.C.

(b) For purposes of paragraph (a) of this section the buildings of the Smithsonian Institution located on the Mall in Washington, D.C., are the Smithsonian Building, the Air and Space Building, the Freer Gallery of Art Building, the Arts and Industries Building, the Museum of Natural History Building, the Museum of History and Technology Building, and the temporary buildings within the square bounded by 9th Street Southwest on the east, 12th Street Southwest on the west, Jefferson Drive Southwest on the north, and Independence Avenue Southwest on the south.

(Sec. 5 of the Act of Oct. 24, 1951, 65 Stat. 559, as amended by § 1 of the Act of Aug. 1, 1964, 78 Stat. 365; 40 U.S.C. § 193r)

Dated: May 5, 1965.

S. DILLON RIPLEY,  
Secretary.

[FR. Doc. 65-4914; Filed, May 10, 1965;  
8:45 a.m.]

## Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

### Chapter 9—Atomic Energy Commission

#### PART 9-1—GENERAL

##### Subpart 9-1.1—Procurement Regulations

##### Subpart 9-1.2—Definition of Terms

##### Subpart 9-1.3—General Policies

##### Subpart 9-1.7—Small Business Concerns

##### Subpart 9-1.8—Labor Surplus Area Concerns

##### Subpart 9-1.9—Reporting Possible Antitrust Violations

##### Subpart 9-1.11—Qualified Products

##### Subpart 9-1.50—Change Orders, Equitable Adjustments, and Sup- plemental Agreements for Fixed- Price Contracts

##### Subpart 9-1.52—Procurement by Cost-Type Contractors

#### MISCELLANEOUS AMENDMENTS

Section 9-1.104, *Applicability*, paragraph (b) is deleted and the following substituted therefor, and a new paragraph (c) is added.

#### § 9-1.104 Applicability.

(b) Basic procurement policies with which AEC cost contractors must comply

are stated in Subpart 9-1.52, Procurement by Cost-Type Contractors. In addition, a section is included in each part of the AECPR to provide ready identification of all portions of that part of the FPR or AECPR which requires appropriate treatment in the development of statements of AEC cost-type contractor procurement practices.

(c) The following sections and subparts of the Federal Procurement Regulations Part 1 and this AECPR Part 1 constitute specific provisions which the contracting officer shall bring to the attention of cost-type contractors in the development of statements of contractor procurement practices as constituting areas which require appropriate treatment in order to carry out the basic AEC procurement policy set forth in AECPR 9-1.5203.

Section or Subpart	Subject
FPR:	
1-1.305----	Specifications.
1-1.306----	Standards.
1-1.307----	Purchase descriptions.
1-1.310----	Responsible prospective contractor.
1-1.316----	Time of delivery or performance.
1-1.5-----	Contingent Fees.
1-1.6-----	Debarred, Suspended, and Ineligible Bidders.
1-1.7-----	Small Business Concerns.
1-1.8-----	Labor Surplus Area Concerns.
1-1.9-----	Reporting Possible Antitrust Violations.
1-1.10----	Publicizing Procurement Actions.
1-1.11----	Qualified Products.
1-1.16----	Reports of Identical Bids.
AECPR:	
9-1.305-1..	Mandatory use of Federal Specifications.
9-1.310----	Responsible prospective contractors.
9-1.350----	AEC Specifications and Standards.
9-1.354----	Prebidding and preproposal conferences.
9-1.355----	Combinations of architect-engineer and construction contracts.
9-1.5-----	Contingent Fees.
9-1.6-----	Debarred, Suspended, and Ineligible Bidders.
9-1.7-----	Small Business Concerns.
9-1.8-----	Labor Surplus Area Concerns.
9-1.9-----	Reporting Possible Antitrust Violations.
9-1.11----	Qualified Products.
9-1.50----	Change Orders, Equitable Adjustments, and Supplemental Agreements for Fixed-Price Contracts.

Sections 9-1.256, Cost-type contractor Class A; 9-1.257, Cost-type contractor Class B; and 9-1.353, Procurement by cost-type contractors, are deleted and reserved.

Section 9-1.305-1, *Mandatory use of Federal Specifications*, is deleted and the following substituted therefor:

#### § 9-1.305-1 Mandatory use of Federal Specifications.

The policies and procedures established by FPR 1-1.305 shall be complied with by AEC for all direct procurement except as provided for in § 9-1.305-5 below. Managers of Field Offices are responsible for assuring that AEC contractors use paper specification standards published by the Joint Committee on Printing for the pur-

chase of paper to be used in contractor-operated field printing plants authorized by the Joint Committee on Printing.

Section 9-1.310-1, *Scope*, is deleted and the following substituted therefor:

#### § 9-1.310-1 Scope.

This section implements the policy and procedures set forth in FPR 1-1.310 to determine, before award, whether prospective contractors for furnishing the AEC supplies or nonpersonal services (including construction) qualify as responsible.

Section 9-1.702(b)(3), the last sentence is deleted.

Section 9-1.802, *Labor surplus area policies*, is deleted.

Section 9-1.901, *General*, is revised to read as follows:

#### § 9-1.901 General.

The procedures prescribed in FPR Subpart 1-1.9 apply to all procurement on a competitive basis. Contracting officers should take steps to ensure full compliance with the requirements of this subpart by cost-type contractors.

Section 9-1.1101, *Procurement of qualified products*, the first paragraph is revised to read as follows:

#### § 9-1.1101 Procurement of qualified products.

This subpart prescribes policies and procedures for the procurement of qualified products from lists of such products established by the Government. These procedures are applicable to AEC direct procurement. Contracting officers may authorize their use on a case-by-case basis in cost-type contractor procurement.

Section 9-1.1150, *Distribution of qualified products lists*, in the last sentence, "Office of Contract Policy" is changed to "Division of Contracts."

Section 9-1.5001, *General policy*, is revised to read as follows:

#### § 9-1.5001 General policy.

It is the policy of AEC to handle change orders and supplemental agreements to fixed-price contracts expeditiously and economically without sacrificing sound contract administration or lessening the opportunity for proper consideration of all pertinent factors in effecting equitable adjustments and settlements. Conscientious observance of this policy should reduce to a minimum formal disputes and litigation with resulting expense and delays which are harmful to all concerned.

Section 9-1.5002, *Applicability*, paragraph (b) is deleted and paragraph (a) becomes an unlettered paragraph.

The following subpart is added:

#### Subpart 9-1.52—Procurement by Cost-Type Contractors

Sec.	
9-1.5200	Definitions of cost-type contractor and cost-type subcontractor.
9-1.5201	Prime contract control provisions.
9-1.5202	AEC review and approval of cost-type contractor procurement practices and procedures.
9-1.5203	AEC basic procurement policies for cost-type contractors.

**AUTHORITY:** The provisions of this Subpart 9-1.52 issued under sec. 161 of the Atomic



Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205 of the Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 488.

**§ 9-1.5200 Definitions of cost-type contractor and cost-type subcontractor.**

The term "cost-type contractor" means a contractor who has a prime contract with the AEC on a cost basis. The term "cost-type subcontractor" means a subcontractor who has a subcontract on a cost basis under a cost-type prime contract provided all the preceding subcontracts, if any, in the contractual chain are also on a cost basis.

(a) *Cost-type contractor Class A.* The term "cost-type contractor Class A" means (1) a cost-type contractor who has a contract for the construction, operation, or maintenance of an AEC facility (including research and development facilities) which is segregated from the contractor's regular business, or (2) cost-type contractors with contracts which provide for procurement services incident to the construction of AEC facilities, or (3) any cost-type contractor who has set up a separate supply function for performance under AEC contracts or subcontracts.

(b) *Cost-type contractor Class B.* The term "cost-type contractor Class B" means a cost-type contractor with a contract under which substantially all work will be performed in the contractor's own facilities or at a location where the contractor's normal business is being conducted and for which a separate supply function is not maintained for such contract.

**§ 9-1.5201 Prime contract control provisions.**

Procurement activities of AEC cost-type contractors are governed by (a) the requirements of the "Subcontracts and Purchase Orders" clauses of their prime contracts and (b) other applicable contract provisions. The standard Subcontracts and Purchase Orders clause (AECPR 9-7.5006-29) states the contractual basis for the Government to exercise control over the contractor's procurement activities. Among other things, the clause requires the contractor to provide the Government with information concerning his own procurement practices and to use procurement methods and procedures which are acceptable to the Government. It reserves to the Government the right to require the contractor to submit for prior approval any or all contractor procurement actions. As a part of such approval authority, the contracting officer may prescribe the inclusion of subcontract provisions. In the absence of an article of the type giving the Government the contractual right to establish controls and to review and approve the contractor's procurement and contracting procedures, every effort should be made to accomplish this objective through mutual agreement with the contractor.

**§ 9-1.5202 AEC review and approval of cost-type contractor procurement practices and procedures.**

Subject to the waiver provided for in paragraph (c) of this section, contract-

ing officers shall require cost-type prime contractors to submit, at the earliest practicable date, written statements of the detailed procurement practices and procedures used or proposed to be used by the contractor, for review by the contracting officer and written determination as to the acceptability of such practices and procedures. The FPR and AECPR shall be made available to cost-type contractors Class A as illustrative of the policies, practices, and procedures used by the AEC, for their consideration in the development or revision of their own written procurement practices and procedures. In approving contractor practices and procedures, contracting officers will be guided by the following:

(a) *Cost-type contractors Class A.* The contracting officer, before approving such practices and procedures, shall determine that they are consistent with the basic AEC procurement policies set forth in § 9-1.5203 of this subpart and that the contractor's procedures are adequate to achieve the policy objectives there stated. The portions of the FPR and AECPR listed in each part under "Policy, cost-type contractor procurement," constitute specific provisions which the contracting officer shall bring to the attention of cost-type contractors in the development of statements of contractor procurement practices as constituting areas which require appropriate treatment in order to carry out the basic AEC procurement policies set forth in AECPR § 9-1.5203. The contracting officer shall examine the proposed procurement practices and procedures to assure that appropriate recognition has been given to procurement requirements included in the contract, applicable laws and regulations; and those portions of the FPR and AECPR which are listed in the AECPR as applicable. All such listed portions are to be construed as instructions to the contracting officer and he is charged with utilizing the appropriate contractual mechanism for obtaining any action required of the contractor. Also, such statements, unless otherwise indicated, shall be construed as applying only to Class A cost-type contractors.

(b) *Cost-type contractors Class B.* The normal business practices of a Class B contractor will usually be accepted, providing:

(1) They are consistent with the basic AEC procurement policies set forth in § 9-1.5203 of this subpart and with procurement requirements included in the contract in accordance with applicable laws and regulations.

(2) The contractor's procedures are well established, consistently applied and conform to good business practices, and

(3) Acceptance of the contractor's normal business practices will not be disadvantageous to the Government.

(c) *Waiver.* For Class B contractors, the foregoing requirements calling for submission and review of written statements of detailed procurement practices and procedures may be waived:

(1) When the quantity of procurement chargeable to AEC work is not deemed substantial by the contracting officer; and provided the contract ade-

quately incorporates the basic AEC procurement policies in § 9-1.5203 of this subpart; or

(2) The contracting officer is able to satisfy himself through other means that the procurement practices followed by the contractor are in the best interests of the Government.

(d) *Other contract provisions.* Paragraphs (a), (b), and (c) of this section relate to statements of contractor procurement practices and procedures submitted pursuant to requirements of the Subcontracts and Purchase Orders clause. Attention is called to the fact that other clauses appearing in Class A or Class B cost-type contracts may require close adherence by such contractors to specific Governmental policies or procedures.

**§ 9-1.5203 AEC basic procurement policies for cost-type contractors.**

(a) Procurement should be effected in the manner most advantageous to the Government—price, quality and other factors considered. In order to assure the award of business on an impartial basis, procurement (from sources other than Government sources) shall be effected by methods calculated to assure such full and free competition as is consistent with securing the required supplies or services. Normally, full and free competition should be attained through use of competitive bids and awards whenever such method is feasible and practicable under the circumstances.

(b) Certified cost or pricing data shall be requested when it is considered that circumstances warrant such action, especially when procurements are for items for which there is no competition or for which prices appear unreasonable and the amounts involved are substantial.

(c) Procurement shall not be made from firms or individuals on the AEC List of Disqualified Bidders and Ineligible Contractors.

(d) A fair proportion of supplies and services shall be procured from small business concerns.

(e) Types of subcontracts or purchase orders other than fixed-price (lump-sum or unit-price) type should not be used unless procurement of the required supplies or services is impracticable without the use of the type selected. The cost-plus-a-percentage-of-cost type shall not be used in any event.

(f) Contracting officers shall be notified in advance of the proposed procurement of supplies or services from sources owned or controlled by a cost-type contractor to permit the AEC, at its option or by agreement with the cost-type contractor, to effect the procurement directly by competitive or other authorized methods.

(g) Specific limitations shall be placed on the authority of cost-type contractors to enter into subcontracts and purchase orders; these limitations should be consistent with the amount and character of the prime contract and the subcontract work involved.

(h) Requirements shall be met from Government sources, if made available and if procurement is economically advantageous to the Government. Direct



procurement by the AEC, rather than by a cost-type contractor, may be required where deemed necessary by the AEC or its authorized representative in order to carry out special requirements of appropriation Acts or other applicable laws relating to particular items.

(i) Certain items (see AECPR Part 9-5) must be obtained from Government sources of supply.

(j) Federal specifications shall be used to the extent that such use is consistent with the contractual requirements and program objectives.

(k) Cost-type contractors shall maintain, and make available for review by the AEC, justification in support of subcontracts and purchase orders adequate to reflect the procurement practices and procedures used and the circumstances supporting particular transactions.

**Effective date.** These regulations are effective upon publication in the FEDERAL REGISTER.

Dated at Germantown, Md., this 5th day of May 1965.

For the U.S. Atomic Energy Commission.

JOSEPH L. SMITH,  
Director,  
Division of Contracts.

[F.R. Doc. 65-4928; Filed, May 10, 1965;  
8:47 a.m.]

## Title 49—TRANSPORTATION

### Chapter I—Interstate Commerce Commission

#### SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Ex Parte 55]

### PART I—GENERAL RULES OF PRACTICE

#### Briefs

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the fourth day of May A.D. 1965.

There being under consideration the Commission's general rules of practice, and good cause appearing therefor:

*It is ordered.* That §§ 1.92, 1.93, and 1.94 are revised to read as follows:

#### § 1.92 Briefs; when officer's report is served.

In a proceeding which has been the subject of oral hearing, and in which an officer's report is to be prepared and served, which fact will be stated by the officer on the record, only one brief shall be filed by each party. The officer shall fix for all parties the same time within which to file briefs, which time shall not exceed 45 days from the close of the hearing unless otherwise ordered by the Commission. Reply briefs are not permitted unless ordered by the Commission.

#### § 1.93 Briefs; when officer's report is not served.

In a proceeding which has been the subject of oral hearing, and in which no officer's report is to be prepared and served, which fact will be stated by the officer on the record, only one brief shall be filed by each party. The officer shall fix for all parties the same time within which to file briefs, which time shall not exceed 45 days from the close of the hearing unless otherwise ordered by the Commission. Reply briefs are not permitted unless ordered by the Commission.

#### § 1.94 Briefs of interveners.

Briefs of interveners shall be filed and served within the time fixed for the brief or the party in whose behalf the intervention is made.

*It is further ordered.* That this order shall become effective June 1, 1965.

*And it is further ordered.* That notice of this order shall be given to the general public by depositing a copy hereof in the Office of the Secretary of the Commission, Washington, D.C., and by filing a copy with the Director, Division of the Federal Register.

(Secs. 12, 17, 24 Stat. 383, as amended, 385, as amended; secs. 204, 205, 49 Stat. 546, as amended, 548, as amended; secs. 304, 316, 54 Stat. 933, 946; secs. 403, 417, 56 Stat. 285, 297, as amended; 49 U.S.C. 12, 17, 304, 305, 904, 916, 1003, 1017)

By the Commission.

[SEAL]

BERTHA F. ARMES,  
Acting Secretary.

[F.R. Doc. 65-4923; Filed, May 10, 1965;  
8:46 a.m.]



# Proposed Rule Making

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### [ 26 CFR Part 1 ]

### RULES FOR DETERMINING STOCK OWNERSHIP

#### Notice of Proposed Rule Making

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: CC:LR, Washington, D.C., 20224, within the period of 45 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 45-day period. In such a case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] SHELDON S. COHEN,  
Commissioner of Internal Revenue.

In order to conform the Income Tax Regulations (26 CFR Part 1) to section 958 of the Internal Revenue Code of 1954, as added by section 12(a) of the Revenue Act of 1962 (76 Stat. 1096), such regulations are amended as follows effective with respect to taxable years of foreign corporations beginning after December 31, 1962, and to taxable years of United States shareholders within which or with which such taxable years of such foreign corporations end:

#### § 1.958-1 Statutory provisions; rules for determining stock ownership.

Sec. 958. *Rules for determining stock ownership*—(a) *Direct and indirect ownership*—(1) *General rule.* For purposes of this subpart (other than sections 955(b)(1) (A) and (B), 955(c)(2) (A) (ii), and 960(a)(1)), stock owned means—

(A) Stock owned directly, and  
(B) Stock owned with the application of paragraph (2).

(2) *Stock ownership through foreign entities.* For purposes of subparagraph (B) of paragraph (1), stock owned, directly or indirectly, by or for a foreign corporation, foreign partnership, or foreign trust or foreign estate (within the meaning of section 7701(a)(31)) shall be considered as being owned proportionately by its shareholders, part-

ners, or beneficiaries. Stock considered to be owned by a person by reason of the application of the preceding sentence shall, for purposes of applying such sentence, be treated as actually owned by such person.

(3) *Special rule for mutual insurance companies.* For purposes of applying paragraph (1) in the case of a foreign mutual insurance company, the term "stock" shall include any certificate entitling the holder to voting power in the corporation.

(b) *Constructive ownership.* For purposes of sections 951(b), 954(d)(3), and 957, section 318(a) (relating to constructive ownership of stock) shall apply to the extent that the effect is to treat any United States person as a United States shareholder within the meaning of section 951(b), to treat a person as a related person within the meaning of section 954(d)(3), or to treat a foreign corporation as a controlled foreign corporation under section 957, except that—

(1) In applying paragraph (1) (A) of section 318(a), stock owned by a nonresident alien individual (other than a foreign trust or foreign estate) shall not be considered as owned by a citizen or by a resident alien individual.

(2) In applying subparagraphs (A), (B), and (C) of section 318(a)(2), if a partnership, estate, trust, or corporation owns, directly or indirectly, more than 50 percent of the total combined voting power of all classes of stock entitled to vote of a corporation, it shall be considered as owning all the stock entitled to vote.

(3) In applying subparagraph (C) of section 318(a)(2), the phrase "10 percent" shall be substituted for the phrase "50 percent" used in subparagraph (C).

(4) Subparagraphs (A), (B), and (C) of section 318(a)(3) shall not be applied so as to consider a United States person as owning stock which is owned by a person who is not a United States person.

[Sec. 958 as added by sec. 12, Rev. Act 1962 (76 Stat. 1096); as amended by sec. 4(b)(5), Act of Aug. 31, 1964 (Public Law 88-554, 78 Stat. 763)]

#### § 1.958-1 Direct and indirect ownership of stock.

(a) *In general.* Section 958(a) provides that, for purposes of sections 951 to 964 (other than sections 955(b)(1) (A) and (B), 955(c)(2) (A) (ii), and 960(a)(1)), stock owned means—

(1) Stock owned directly; and  
(2) Stock owned with the application of paragraph (b) of this section.

The rules of section 958(a) and this section provide a limited form of stock attribution primarily for use in determining the amount taxable to a United States shareholder under section 951(a). These rules also apply for purposes of other provisions of the Code and regulations which make express reference to section 958(a).

(b) *Stock ownership through foreign entities.* For purposes of paragraph (a)(2) of this section, stock owned, directly or indirectly, by or for a foreign corporation, foreign partnership, or foreign trust or foreign estate (within the meaning of section 7701(a)(31)) shall be considered as being owned proportionately by its shareholders, partners, or beneficiaries, respectively. Stock considered to be

owned by reason of the application of this paragraph shall, for purposes of re-applying this paragraph, be treated as actually owned by such person. Thus, this rule creates a chain of ownership; however, since the rule applies only to stock owned by a foreign entity, attribution under the rule stops with the first United States person in the chain of ownership running from the foreign entity. The application of this paragraph may be illustrated by the following example:

*Example.* Domestic corporation M owns 75 percent of the one class of stock in foreign corporation R, which in turn owns 80 percent of the one class of stock in foreign corporation S, which in turn owns 90 percent of the one class of stock in foreign corporation T. Under this paragraph, R Corporation is considered as owning 80 percent of the 90 percent of the stock which S Corporation owns in T Corporation, or 72 percent. Corporation M is considered as owning 75 percent of such 72 percent of the stock in T Corporation, or 54 percent. Since M Corporation is a domestic corporation, the attribution under this paragraph stops with M Corporation, even though, illustratively, such corporation is wholly owned by domestic corporation N.

(c) *Rules of application*—(1) *Special rule for mutual insurance companies.* For purposes of applying paragraph (a) of this section in the case of a foreign mutual insurance company, the term "stock" shall include any certificate entitling the holder to voting power in the corporation.

(2) *Amount of interest in foreign corporation, foreign partnership, foreign trust, or foreign estate.* The determination of a person's proportionate interest in a foreign corporation, foreign partnership, foreign trust, or foreign estate will be made on the basis of all the facts and circumstances in each case. Among the various factors which may be taken into account are interest in income, control, and value of interest. Any arrangement which artificially decreases a United States person's proportionate interest will not be recognized.

(d) *Illustration.* The application of this section may be illustrated by the following examples:

*Example (1).* United States persons A and B own 25 percent and 50 percent, respectively, of the one class of stock in foreign corporation M. Corporation M owns 80 percent of the one class of stock in foreign corporation N, and N Corporation owns 60 percent of the one class of stock in foreign corporation P. Under paragraph (b) of this section, M Corporation is considered to own 48 percent (80 percent of 60 percent) of the stock in P Corporation; such 48 percent is treated as actually owned by M Corporation for the purpose of again applying paragraph (b) of this section. Thus, A and B are considered to own 12 percent (25 percent of 48 percent) and 24 percent (50 percent of 48 percent), respectively, of the stock in P Corporation.

*Example (2).* United States person C is a 60-percent partner in foreign partnership X. Partnership X owns 40 percent of the one class of stock in foreign corporation Q. Cor-



poration Q is a 50-percent partner in foreign partnership Y, and partnership Y owns 100 percent of the one class of stock in foreign corporation R. By the application of paragraph (b) of this section, C is considered to own 12 percent (60 percent of 40 percent of 50 percent of 100 percent) of the stock in R Corporation.

**Example (3).** Foreign trust Z was created for the benefit of United States persons D, E, and F. Under the terms of the trust instrument, the trust income is required to be divided into three equal shares. Each beneficiary's share of the income may either be accumulated for him or distributed to him in the discretion of the trustee. In 1970, the trust is to terminate and there is to be paid over to each beneficiary the accumulated income applicable to his share and one-third of the corpus. The corpus of trust Z is composed of 90 percent of the one class of stock in foreign corporation S. By the application of paragraph (b) of this section, each of D, E, and F is considered to own 30 percent ( $\frac{1}{3}$  of 90 percent) of the stock in S Corporation.

#### § 1.958-2 Constructive ownership of stock.

(a) **In general.** Section 958(b) provides that, for purposes of sections 951(b), 954(d)(3), and 957, the rules of section 318(a) as modified by section 958(b) and this section shall apply to the extent that the effect is to treat a United States person as a United States shareholder within the meaning of section 951(b), to treat a person as a related person within the meaning of section 954(d)(3), or to treat a foreign corporation as a controlled foreign corporation under section 957. The rules contained in this section also apply for purposes of other provisions of the Code and regulations which make express reference to section 958(b).

(b) **Members of family.**—(1) **In general.** Except as provided in subparagraph (3) of this paragraph, an individual shall be considered as owning the stock owned, directly or indirectly, by or for—

(i) His spouse (other than a spouse who is legally separated from the individual under a decree of divorce or separate maintenance); and  
(ii) His children, grandchildren, and parents.

(2) **Effect of adoption.** For purposes of subparagraph (1)(ii) of this paragraph, a legally adopted child of an individual shall be treated as a child of such individual by blood.

(3) **Stock owned by nonresident alien individual.** For purposes of this paragraph, stock owned by a nonresident alien individual (other than a foreign trust or foreign estate) shall not be considered as owned by a United States citizen or a resident alien individual. See section 958(b)(1).

(c) **Attribution from partnerships, estates, trusts, and corporations.**—(1) **In general.** Except as provided in subparagraph (2) of this paragraph—

(i) **From partnerships and estates.** Stock owned, directly or indirectly, by or for a partnership or estate shall be considered as owned proportionately by its partners or beneficiaries.

(ii) **From trusts.**—(a) **To beneficiaries.** Stock owned, directly or indirectly, by or for a trust (other than an employees' trust described in section 401(a) which is

exempt from tax under section 501(a)) shall be considered as owned by its beneficiaries in proportion to the actuarial interest of such beneficiaries in such trust.

(b) **To owner.** Stock owned, directly or indirectly, by or for any portion of a trust of which a person is considered the owner under sections 671 to 678 (relating to grantors and others treated as substantial owners) shall be considered as owned by such person.

(iii) **From corporations.** If 10 percent or more in value of the stock in a corporation is owned, directly or indirectly, by or for any person, such person shall be considered as owning the stock owned, directly or indirectly, by or for such corporation, in that proportion which the value of the stock which such person so owns bears to the value of all the stock in such corporation. See section 958(b)(3).

(2) **Rules of application.** For purposes of subparagraph (1) of this paragraph, if a partnership, estate, trust, or corporation owns, directly or indirectly, more than 50 percent of the total combined voting power of all classes of stock entitled to vote in a corporation, it shall be considered as owning all the stock entitled to vote. See section 958(b)(2).

(d) **Attribution to partnerships, estates, trusts, and corporations.**—(1) **In general.** Except as provided in subparagraph (2) of this paragraph—

(i) **To partnerships and estates.** Stock owned, directly or indirectly, by or for a partner or a beneficiary of an estate shall be considered as owned by the partnership or estate.

(ii) **To trusts.**—(a) **From beneficiaries.** Stock owned, directly or indirectly, by or for a beneficiary of a trust (other than an employees' trust described in section 401(a) which is exempt from tax under section 501(a)) shall be considered as owned by the trust, unless such beneficiary's interest in the trust is a remote contingent interest. For purposes of the preceding sentence, a contingent interest of a beneficiary in a trust shall be considered remote if, under the maximum exercise of discretion by the trustee in favor of such beneficiary, the value of such interest, computed actuarially, is 5 percent or less of the value of the trust property.

(b) **From owner.** Stock owned, directly or indirectly, by or for a person who is considered the owner of any portion of a trust under sections 671 to 678 (relating to grantors and others treated as substantial owners) shall be considered as owned by the trust.

(iii) **To corporations.** If 50 percent or more in value of the stock in a corporation is owned, directly or indirectly, by or for any person, such corporation shall be considered as owning the stock owned, directly or indirectly, by or for such person. In determining the 50-percent requirement of the preceding sentence, all of the stock owned, directly, indirectly, and constructively, by the person concerned shall be aggregated. This subdivision shall not be applied so as to consider a corporation as owning its own stock.

(2) **Limitation.** Subparagraph (1) of this paragraph shall not be applied so as

to consider a United States person as owning stock which is owned by a person who is not a United States person. See section 958(b)(4).

(e) **Options.** If any person has an option to acquire stock, such stock shall be considered as owned by such person. For purposes of the preceding sentence, an option to acquire such an option, and each one of a series of such options, shall be considered as an option to acquire such stock.

(f) **Rules of application.** For purposes of this section—

(1) **Stock treated as actually owned.**—

(i) **In general.** Except as provided in subdivisions (ii) and (iii) of this subparagraph, stock constructively owned by a person by reason of the application of paragraphs (b), (c), (d), and (e) of this section shall, for purposes of applying such paragraphs, be considered as actually owned by such person.

(ii) **Members of family.** Stock constructively owned by an individual by reason of the application of paragraph (b) of this section shall not be considered as owned by him for purposes of again applying such paragraph in order to make another the constructive owner of such stock.

(iii) **Partnerships, estates, trusts, and corporations.** Stock constructively owned by a partnership, estate, trust, or corporation by reason of the application of paragraph (d) of this section shall not be considered as owned by it for purposes of applying paragraph (c) of this section in order to make another the constructive owner of such stock.

(iv) **Option rule in lieu of family rule.** For purposes of this subparagraph, if stock may be considered as owned by an individual under paragraph (b) or (e) of this section, it shall be considered as owned by him under paragraph (e).

(2) **Coordination of different attribution rules.** For purposes of any one determination, stock which may be owned under more than one of the rules of § 1.958-1 and this section, or by more than one person, shall be owned under that attribution rule which imputes to the person, or persons, concerned the largest total percentage of such stock. The application of this subparagraph may be illustrated by the following examples:

**Example (1).** (a) United States persons A and B, and domestic corporation M, own 9 percent, 32 percent, and 10 percent, respectively, of the one class of stock in foreign corporation R. A also owns 10 percent of the one class of stock in M Corporation. For purposes of determining whether A is a United States shareholder with respect to R Corporation, 10 percent of the 10-percent interest of M Corporation in R Corporation is considered as owned by A. See paragraph (c)(1)(ii) of this section. Thus, A owns 10 percent (9 percent plus 10 percent of 10 percent) of the stock in R Corporation and is a United States shareholder with respect to such corporation. Corporation M and B, by reason of owning 10 percent and 32 percent, respectively, of the stock in R Corporation are United States shareholders with respect to such corporation.

(b) For purposes of determining whether R Corporation is a controlled foreign corporation, the 1 percent of the stock in R Corporation directly owned by M Corpora-



tion and considered as owned by A cannot be counted twice. Therefore, the total amount of stock in R Corporation owned by United States shareholders is 51 percent, determined as follows:

Stock ownership in R Corporation (percent)	
A	9
B	32
M Corporation	10
Total	51

**Example (2).** United States person C owns 10 percent of the one class of stock in foreign corporation N, which owns 60 percent of the one class of stock in foreign corporation S. Under paragraph (a)(2) of § 1.958-1, C is considered as owning 6 percent (10 percent of 60 percent) of the stock in S Corporation. Under paragraph (c)(1)(iii) and (2) of this section N Corporation is considered as owning 100 percent of the stock in S Corporation and C is considered as owning 10 percent of such 100 percent, or 10 percent of the stock in S Corporation. Thus, for purposes of determining whether C is a United States shareholder with respect to S Corporation, the attribution rules of paragraph (c)(1)(iii) and (2) of this section are used inasmuch as C owns a larger total percentage of the stock of S Corporation under such rules.

**(g) Illustration.** The application of this section may be illustrated by the following examples:

**Example (1).** United States persons A and B own 5 percent and 25 percent, respectively, of the one class of stock in foreign corporation M. Corporation M owns 60 percent of the one class of stock in foreign corporation N. Under paragraph (a)(2) of § 1.958-1, A and B are considered as owning 3 percent (5 percent of 60 percent) and 15 percent (25 percent of 60 percent), respectively, of the stock in N Corporation. Under paragraph (c)(2) of this section, M Corporation is treated as owning all the stock in N Corporation, and, under paragraph (c)(1)(iii) of this section, B is considered as owning 25 percent of such 100 percent, or 25 percent of the stock in N Corporation. Inasmuch as A owns less than 10 percent of the stock in M Corporation, he is not considered as owning, under paragraph (c)(1)(iii) of this section, any of the stock in N Corporation owned by M Corporation. Thus, the attribution rules of paragraph (a)(2) of § 1.958-1 are used with respect to A inasmuch as he owns a larger total percentage of the stock of N Corporation under such rules; and the attribution rules of paragraph (c)(1)(iii) and (2) of this section are used with respect to B inasmuch as he owns a larger total percentage of the stock of N Corporation under such rules.

**Example (2).** United States person C owns 60 percent of the one class of stock in domestic corporation P; corporation P owns 60 percent of the one class of stock in foreign corporation Q; and corporation Q owns 60 percent of the one class of stock in foreign corporation R. Under paragraph (a)(2) of § 1.958-1, P Corporation is considered as owning 36 percent (60 percent of 60 percent) of the stock in R Corporation, and C is considered as owning none of the stock in R Corporation inasmuch as the chain of ownership stops at the first United States person and P Corporation is such a person. Under paragraph (c)(2) of this section, Q Corporation is treated as owning 100 percent of the stock in R Corporation, and under paragraph (c)(1)(iii) of this section, P Corporation is considered as owning 60 percent of such 100 percent, or 60 percent of the stock in R Corporation. For purposes of determining the amount of stock in R Corporation which C is considered as owning, P Corporation is treated under paragraph (c)(2) of this section as owning 100 percent of the stock in R

Corporation; therefore, C is considered as owning 60 percent of the stock in R Corporation. Thus, the attribution rules of paragraph (c)(1)(iii) and (2) of this section are used with respect to C and P Corporation inasmuch as they each own a larger total percentage of the stock of R Corporation under such rules.

**Example (3).** United States person D owns 25 percent of the one class of stock in foreign corporation S. D is also a 40-percent partner in domestic partnership X, which owns 50 percent of the one class of stock in domestic corporation T. Under paragraph (d)(1) of this section, the 25 percent of the stock in S Corporation owned by D is considered as being owned by partnership X; since such stock is treated as actually owned by partnership X under paragraph (f)(1)(i) of this section, such stock is in turn considered as being owned by T Corporation. Thus, under paragraphs (d)(1) and (f)(1)(i) of this section, T Corporation is considered as owning 25 percent of the stock in S Corporation.

**Example (4).** Foreign corporation U owns 100 percent of the one class of stock in domestic corporation V and also 100 percent of the one class of stock in foreign corporation W. By virtue of paragraph (d)(2) of this section, V Corporation may not be considered under paragraph (d)(1) of this section as owning the stock owned by its sole shareholder, U Corporation, in W Corporation.

**Example (5).** United States citizen E owns 15 percent of the one class of stock in foreign corporation Y, and United States citizen F, E's spouse, owns 5 percent of such stock. E and F's four nonresident alien grandchildren each own 20 percent of the stock in Y Corporation. Under paragraph (b)(1) of this section, E is considered as owning the stock owned by F in Y Corporation; however, by virtue of paragraph (b)(3) of this section, E may not be considered under paragraph (b)(1) of this section as owning any of the stock in Y Corporation owned by such grandchildren.

**Example (6).** United States person F owns 10 percent of the one class of stock in foreign corporation Z; corporation Z owns 10 percent of the one class of stock in foreign corporation K; and corporation K owns 100 percent of the one class of stock in foreign corporation L. United States person G, F's spouse, owns 9 percent of the stock in K Corporation. Under paragraph (c)(1)(iii) of this section or paragraph (a)(2) of § 1.958-1, F is considered as owning 1 percent (10 percent of 10 percent of 100 percent) of the stock in L Corporation by reason of his ownership of stock in Z Corporation, and, under paragraph (b)(1) of this section, G is considered as owning such 1 percent of the stock in L Corporation. Under paragraph (a)(2) of § 1.958-1, G is considered as owning 9 percent (9 percent of 100 percent) of the stock in L Corporation by reason of her ownership of stock in K Corporation, and, under paragraph (b)(1) of this section, F is considered as owning such 9 percent of the stock in L Corporation. Thus, for the purpose of determining whether F or G is a United States shareholder with respect to L Corporation, each of F and G is considered as owning a total of 10 percent of the stock in L Corporation by applying the rules of paragraph (a)(2) of § 1.958-1 and paragraphs (b)(1) and (c)(1)(iii) of this section.

[P.R. Doc. 65-4895; Filed, May 10, 1965; 8:45 a.m.]

## [ 26 CFR Part 1 ]

### INCOME TAX

#### Dividend and Interest Information Reporting

Notice is hereby given, pursuant to the Administrative Procedure Act, approved

June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL]

SHELDON S. COHEN,  
Commissioner of Internal Revenue.

In order to permit the reporting of dividend and interest payments on an account basis for 1965 and 1966, and to make certain other liberalizing changes, the Income Tax Regulations (26 CFR Part 1) under sections 6042, 6044 and 6049 of the Internal Revenue Code of 1954, relating to returns regarding payments of dividends, patronage dividends, and interest, respectively, are amended as follows:

**PARAGRAPH 1.** Section 1.6042-2 is amended by revising paragraphs (a)(1) and (c) thereof. These revised provisions read as follows:

**§ 1.6042-2 Returns of information as to dividends paid in calendar years after 1962.**

**(a) Requirement of reporting—(1) In general.** (i) Every person who makes payments of dividends (as defined in § 1.6042-3) aggregating \$10 or more to any other person during a calendar year after 1962 shall make an information return on Forms 1096 and 1099 for such calendar year showing the aggregate amount of such payments, the name and address of the person to whom paid, the total of such payments for all persons, and such other information as is required by the forms. In the case of dividends paid during the calendar year 1963 or 1964, the requirement of this subdivision for the filing of Form 1099 will be met if a person making payments of dividends to another person on two or more classes of stock files a separate Form 1099 with respect to each such class of stock on which \$10 or more of dividends are paid to such other person during the calendar year. Thus, if during 1963 a corporation pays to a person dividends totalling \$15 on its common stock and \$20 on its preferred stock, it may file separate Forms 1099 with respect to the payments of \$15 and \$20. If the dividends on the preferred stock totalled \$5 instead of \$20, no return would be



required with respect to the \$5. In addition, in the case of dividends paid during the calendar year 1965 or 1966, the requirement of this subdivision for the filing of Form 1099 will be met if a person making payments of dividends to another person on two or more separate stock ownership accounts (regardless of whether the payments are made on only one class of stock) files a separate Form 1099 with respect to each such stock ownership account on which \$10 or more of dividends are paid to such other person during the calendar year.

(d) Every person who during a calendar year after 1962 receives payments of dividends as a nominee on behalf of another person aggregating \$10 or more shall make an information return on Forms 1096 and 1087 for such calendar year showing the aggregate amount of such dividends, the name and address of the person on whose behalf received, the total of such dividends received on behalf of all persons, and such other information as is required by the forms. Notwithstanding the preceding sentence, the filing of Form 1087 is not required if—

(a) The record owner is required to file a fiduciary return on Form 1041 disclosing the name, address, and identifying number of the actual owner;

(b) The record owner is a nominee of a banking institution or trust company exercising trust powers, and such banking institution or trust company is required to file a fiduciary return on Form 1041 disclosing the name, address, the identifying number of the actual owner; or

(c) The record owner is a banking institution or trust company exercising trust powers, or a nominee thereof, and the actual owner is an organization exempt from taxation under section 501(a) for which such banking institution or trust company files an annual return, but only if the name, address, and identifying number of the record owner are included on the Form 1041 fiduciary return filed for the estate or trust or the annual return filed for the tax exempt organization.

(c) *Time and place for filing.* The returns required under this section for any calendar year shall be filed after September 30 of such year, but not before the payer's final payment for the year, and on or before February 28 of the following year with any of the Internal Revenue Service Centers, the addresses of which are listed in the instructions for Form 1096. For extensions of time for filing returns under this section, see § 1.6081-1.

PAR. 2. Paragraph (b) of § 1.6042-4 is amended to read as follows:

§ 1.6042-4 Statements to recipients of dividend payments.

(b) *Form of statement.* The written statement required to be furnished to a person under paragraph (a) of this section shall—

(1) Show the aggregate amount of payments shown on the Form 1099 or

1087 as having been made to (or received on behalf of) such person and include a legend indicating such amount is being reported to the Internal Revenue Service, and

(2) Show the name and address of the person filing the form.

The requirement of this section for the furnishing of a statement to any person may be met by the furnishing to such person of a copy of the Form 1099 or 1087 filed pursuant to § 1.6042-2 in respect of such person. A statement shall be considered to be furnished to a person within the meaning of this section if it is mailed to such person at his last known address.

PAR. 3. Paragraph (d) of § 1.6044-2 is amended to read as follows:

§ 1.6044-2 Returns of information as to payments of patronage dividends with respect to patronage occurring in taxable years beginning after 1962.

(d) *Time and place for filing.* The return required under this section on Forms 1096 and 1099 for any calendar year shall be filed after September 30 of such year, but not before the payer's final payment for the year, and on or before February 28 of the following year, with any of the Internal Revenue Service Centers, the addresses of which are listed in the instructions for such forms. For extensions of time for filing returns under this section, see § 1.6081-1.

PAR. 4. Paragraph (b) of § 1.6044-5 is amended to read as follows:

§ 1.6044-5 Statement to recipients of patronage dividends.

(b) *Form of statement.* The written statement required to be furnished to a person with respect to whom a return of information is made under § 1.6044-2 shall—

(1) Show the aggregate amount of payments shown on the return as having been made to such person and include a legend indicating such amount is being reported to the Internal Revenue Service, and

(2) Show the name and address of the cooperative making the return.

The requirement of this section for the furnishing of a statement to any person may be met by the furnishing to such person of a copy of the Form 1099 filed pursuant to § 1.6044-2 in respect of such person. A statement shall be considered to be furnished to a person within the meaning of this section if it is mailed to such person at his last known address.

PAR. 5. Section 1.6049-1 is amended by revising paragraphs (a)(1) and (c) thereof. These revised provisions read as follows:

§ 1.6049-1 Returns of information as to interest paid in calendar years after 1962.

(a) *Requirement of reporting—(1) In general.* (i) Every person who makes

payments of interest (as defined in § 1.6049-2) aggregating \$10 or more to any other person during a calendar year after 1962 shall make an information return on Forms 1096 and 1099 for such calendar year showing the aggregate amount of such payments, the name and address of the person to whom paid, the total of such payments for all persons, and such other information as is required by the forms. In the case of interest paid during the calendar years 1963 to 1966, inclusive, the requirement of this subdivision for the filing of Form 1099 will be met if a person making payments of interest to another person on two or more accounts, insurance contracts, or investment certificates files a separate Form 1099 with respect to each such account, contract, or certificate on which \$10 or more of interest is paid to such other person during the calendar year. In the case of evidences of indebtedness described in section 6049(b) (1) (A), separate Forms 1099 may be filed as provided in the preceding sentence with respect to holdings in different issues. Thus, if during 1963 a bank pays to a person interest totalling \$15 on one account and \$20 on a second account, it may file separate Forms 1099 with respect to the payments of \$15 and \$20. If the interest on the second account totalled \$5 instead of \$20, no return would be required with respect to the \$5.

(ii) Every person who during a calendar year after 1962 receives payments of interest as a nominee on behalf of another person aggregating \$10 or more shall make an information return on Forms 1096 and 1087 for such calendar year showing the aggregate amount of such interest, the name and address of the person on whose behalf received, the total of such interest received on behalf of all persons, and such other information as is required by the forms. Notwithstanding the preceding sentence, the filing of Form 1087 is not required if—

(a) The record owner is required to file a fiduciary return on Form 1041 disclosing the name, address, and identifying number of the actual owner;

(b) The record owner is a nominee of a banking institution or trust company exercising trust powers, and such banking institution or trust company is required to file a fiduciary return on Form 1041 disclosing the name, address, and identifying number of the actual owner; or

(c) The record owner is a banking institution or trust company exercising trust powers, or a nominee thereof, and the actual owner is an organization exempt from taxation under section 501(a) for which such banking institution or trust company files an annual return,

but only if the name, address, and identifying number of the record owner are included on the Form 1041 fiduciary return filed for the estate or trust or the annual return filed for the tax exempt organization.

(c) *Time and place for filing.* The returns required under this section for any calendar year shall be filed after September 30 of such year, but not before the payer's final payment for the year,



and on or before February 28 of the following year with any of the Internal Revenue Service Centers, the addresses of which are listed in the instructions for Form 1096. For extensions of time for filing returns under this section, see § 1.6081-1.

PAR. 6. Paragraph (b) of § 1.6049-3 is amended to read as follows:

**§ 1.6049-3 Statements to recipients of interest payments.**

(b) *Form of statement.* The written statement required to be furnished to a person under paragraph (a) of this section shall—

(1) Show the aggregate amount of payments shown on the Form 1099 or 1087 as having been made to (or received on behalf of) such person and include a legend indicating such amount is being reported to the Internal Revenue Service, and

(2) Show the name and address of the person filing the form.

The requirement of this section for the furnishing of a statement to any person may be met by the furnishing to such person of a copy of the Form 1099 or 1087 filed pursuant to § 1.6049-1 in respect of such person. A statement shall be considered to be furnished to a person within the meaning of this section if it is mailed to such person at his last known address.

[F.R. Doc. 65-4922; Filed, May 10, 1965; 8:46 a.m.]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

#### [ 21 CFR Part 8 ]

#### COLOR ADDITIVES

#### Proposed Regulations for Lakes<sup>1</sup>

The Commissioner of Food and Drugs, in accordance with the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706, 74 Stat. 399; 21 U.S.C. 376) and pursuant to the authority delegated to him by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471) proposes the promulgation of the following regulations with respect to lakes of color additives listed under Subparts C, E, and G of Part 8. All interested persons are invited to present written views, comments, or objections regarding this proposal within 30 days from the date of its publication in the *FEDERAL REGISTER*. Such comments

<sup>1</sup> Section 8.110 referred to in this document was published in the *FEDERAL REGISTER* of April 24, 1965 (30 F.R. 5797), in proposed regulations for general specifications for color additives.

should be submitted, preferably in quintuplicate, to the Hearing Clerk, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, D.C., 20201, and may be accompanied by memoranda or briefs in support thereof.

1. It is proposed to amend Subpart C by adding thereto the following new section:

**§ 8.299 Lakes of color additives listed under this Subpart C; listing and specifications.**

(a) Lakes of color additives listed under this Subpart C shall be considered as also listed under this subpart and also subject to certification: *Provided*, That they are made by extending on a substratum of alumina a salt prepared by combining the basic radical aluminum or calcium with one or more previously certified water-soluble color additives listed in this subpart.

(b) The lakes prepared as described in paragraph (a) of this section shall meet the general specifications set forth in § 8.110(a) and the following:

(1) Soluble chlorides and sulfates (as sodium salts), not more than 2.0 percent.

(2) Inorganic matter, insoluble in hydrochloric acid, not more than 0.5 percent.

(c) The name of the lake shall be formed as follows:

(1) The listed name(s) of the color additive from which the lake is prepared; plus

(2) The name of the basic radical combined in such color; and

(3) The word "Lake."

2. It is proposed to amend Subpart E by adding thereto the following new section:

**§ 8.499 Lakes of color additives listed under this Subpart E; listing and specifications.**

(a) Lakes of color additives listed under this subpart E shall be considered as being also listed under this subpart and also subject to certification: *Provided*, That they are made:

(1) By extending on a substratum of alumina, blanc fixe, gloss white, titanium dioxide, talc, rosin, aluminum benzoate, calcium carbonate, or any combination of two or more of these, a color additive listed under this subpart; or

(2) By extending on the substrata listed in subparagraph (1) of this paragraph a salt prepared by combining the basic radicals sodium, potassium, aluminum, barium, calcium, strontium, or zirconium with a color additive listed under this subpart.

(b) The lakes prepared as described in paragraph (a) of this section shall meet the general specifications set forth in § 8.110(b) and the following:

(1) Soluble chlorides and sulfates (as sodium salts), not more than 3.0 percent.

(2) In the case of a lake that contains barium salts, the barium soluble in dilute

hydrochloric acid shall not be more than 0.05 percent (as barium chloride).

(3) The ratios of "uncombined intermediates/pure color" and "subsidiary colors/pure color" shall not be more than are permitted in the specifications for the color additive listed under this Subpart E.

(c) The name of the lake shall be formed as follows:

(1) The listed name of the color additive from which the lake is prepared; plus

(2) The name of the basic radical combined in such color; and

(3) The word "Lake."

3. It is proposed to amend Part 8 by adding thereto the following new Subpart G:

**Subpart G—Listing of Color Additives for Cosmetic Use Subject to Certification**

**§§ 8.7001-8.7998 [Reserved]**

**§ 8.7999 Lakes of color additives listed under this Subpart G; listing and specifications.**

(a) Lakes of color additives listed under this Subpart G shall be considered as being also listed under this subpart and also subject to certification: *Provided*, That they are made:

(1) By extending on a substratum of alumina, blanc fixe, gloss white, titanium dioxide, talc, rosin, aluminum benzoate, calcium carbonate, or any combination of two or more of these, a color additive listed under this subpart; or

(2) By extending on the substrata listed in subparagraph (1) of this paragraph a salt prepared by combining the basic radicals sodium, potassium, aluminum, barium, calcium, strontium, or zirconium with a color additive listed under this subpart.

(b) The lakes prepared as in paragraph (a) of this section shall meet the general specifications set forth in § 8.110 (c) and the following:

(1) Soluble chlorides and sulfates (as sodium salts), not more than 3.0 percent.

(2) In the case of a lake which contains barium salts, the barium soluble in dilute hydrochloric acid shall not be more than 0.05 percent (as barium chloride).

(3) The ratios of "uncombined intermediates/pure color" and "subsidiary colors/pure color" shall not be more than are permitted in the specifications for the color additive listed under this subpart.

(c) The name of the lake shall be formed as follows:

(1) The listed name of the color additive from which the lake is prepared; plus

(2) The name of the basic radical combined in such color; and

(3) The word "Lake."

Dated: May 5, 1965.

GEO. P. LARRICK,  
Commissioner of Food and Drugs.

[F.R. Doc. 65-4933; Filed, May 10, 1965; 8:47 a.m.]



# Notices

## FEDERAL COMMUNICATIONS COMMISSION

[List CTV-5]

### CANADIAN TELEVISION ASSIGNMENTS

#### Changes, Additions and Corrections

MAY 1, 1965.

List of changes, additions and corrections in Canadian television assignments compiled from details supplied by the Department of Transport of Canada, pursuant to section B of the Canadian-United States Television Agreement (TIAS-2594) on or before May 1, 1965. This list is supplementary to the recapitulative list issued by the Commission on April 1, 1963.

			Effective radiated power (kw)	Directivity	Antenna height			Offset
					Above ground	Above m.s.l.	Above terrain	
		Channel 2 (54-60 mc)						
CFCL-TV-2	J. Conrad Lavigne Enterprises, Ltd.	Kirkland Lake (Kearna) Ont. N. 48°08'12", W. 79°33'12"	14.30 V 7.30 A	D.A.	Feet 400	Feet 1,750	Feet 722	No.
		Channel 4 (66-72 mc)						
CFOR-TV	Twin Cities Television	Kamloops, British Columbia N. 50°40'13", W. 120°23'50"	3.70 V 1.85 A	Om.	114	5,081	501	(+)
		Channel 5 (76-82 mc)						
CFOR-TV-6	Twin Cities Television, Ltd. (new assignment)	Mount Timothy, British Columbia N. 51°54'00", W. 121°19'30"	0.98 V 0.49 A	Om.	48	5,448	1,871	No.
		Channel 7 (174-180 mc)						
CKMI-TV	Transcanada Communications, Ltd. (new assignment)	Moose Jaw, Saskatchewan N. 50°38'43", W. 105°40'00"	55.40 V 27.70 A	D.A.	752	2,727	768	(-)
		Channel 8 (180-186 mc)						
CFLA-TV	Canadian B/Cing Corp.	Goose Bay, Labrador N. 53°17'47", W. 60°25'00"	0.870 V 0.435 A	Om.	96	221	23.4	No.
		Channel 9 (186-192 mc)						
CFOR-TV-4	Twin Cities Television, Ltd. (new assignment)	Clinton, British Columbia N. 51°08'10", W. 121°40'30"	0.204 V 0.012 A	Om.	45	6,545	1,800	(+)
		Channel 10 (192-198 mc)						
CFON-TV-1	Newfoundland B/Cing Co., Ltd. (new assignment)	Bonaville, Newfoundland N. 48°27'30", W. 53°03'45"	0.23 V 0.11 A	D.A.	87	557	480	No.
CKHQ-TV-1	Northeast Social Club (new assignment)	Manicouagan, Quebec N. 50°28'30", W. 68°44'30"	0.0550 V 0.0274 A	D.A.	203	1,383	71	No.
		Channel 11 (198-204 mc)						
CBRT-3	Canadian B/Cing Corp.	Yarmouth, Nova Scotia N. 43°55'03", W. 66°00'07"	15.90 V 7.90 A	D.A.	540	620	620	(-)
CKBL-TV-1	La Compagnie de Radiodiffusion (new assignment)	Mont Clément, Quebec N. 48°23'50", W. 67°19'27"	0.343 V 0.172 A	D.A.	95	1,645	732	No.
		Channel 12 (204-210 mc)						
CFON-TV-1	CFON Television, Ltd. (new assignment)	Drumheller, Alberta N. 51°34'00", W. 112°10'48"	14.1 V 7.0 A	D.A.	540	3,940	916	No.
CBRT-1	Canadian B/Cing Corp.	Liverpool, Nova Scotia N. 44°03'50", W. 64°43'00"	0.480 V 0.250 A	D.A.	472	772	647	No.

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,  
BEN F. WAPLE,  
Secretary.

[P.R. Doc. 65-4945; Filed, May 10, 1965; 8:48 a.m.]

[PCC 65-372]

#### STANDARD BROADCAST APPLICATION READY AND AVAILABLE FOR PROCESSING

MAY 6, 1965.

The application listed below is mutually exclusive with the application, File No. BR-2831, of the licensee of Station WCGA, Calhoun, Ga., for renewal of license. The proposal is for the identical facilities of this Class II station; however, a different antenna site and antenna system is proposed. Since the data submitted indicates compliance with the Note to § 1.571 of our rules we

have this date accepted the application for filing. Similarly, we will accept any other applications for consolidation which meet the requirements of our rules which govern the acceptance of applications.

NEW, Calhoun, Ga., John C. Roach, Req.:  
900 kc, 1 kw, Day.

Accordingly, notice is hereby given that the above application is accepted for filing and that on June 15, 1965, the application will be considered as ready and available for processing, and pursuant to §§ 1.227(b) (1) and 1.591(b) of the Commission's rules, an application, in order to be considered with this application, or

with any other application on file by the close of business on June 14, 1965, which involves a conflict necessitating a hearing with this application, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., by whichever date is earlier: (a) The close of business on June 14, 1965; or (b) the earlier effective cut-off date which this application or any other conflicting application may have by virtue of conflicts necessitating a hearing with applications appearing on previous lists.

The attention of any party in interest desiring to file pleadings concerning the



above application pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580 (i) of the Commission's rules for the provisions governing the time of filing and other requirements relating to such pleadings.

Adopted: May 5, 1965.

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>1</sup>

[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 65-4946; Filed, May 10, 1965;  
8:48 a.m.]

[Docket No. 15471; FCC 65M-563]

## AMERICAN TELEPHONE & TELEGRAPH CO.

### Order Continuing Hearing

In the matter of American Telephone & Telegraph Co., Docket No. 15471; charges for special construction over other than normal routes.

On the unopposed oral request of counsel for the Air Force, *It is ordered*, This 5th day of May 1965, that (a) the date for the distribution of the written testimony of the Air Force witnesses is extended from May 11 to June 29, 1965, and (b) the further hearing is rescheduled from May 25 to July 20, 1965.

Released: May 6, 1965.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 65-4948; Filed, May 10, 1965;  
8:48 a.m.]

[Docket No. 15795; FCC 65M-562]

## UNITED BROADCASTING CO., INC.

### Memorandum Opinion and Order Continuing Hearing

In re application of United Broadcasting Co., Inc., Docket No. 15795, File No. BR-1104; for renewal of license of Station WOOK, Washington, D.C.

1. The applicant, in a request filed April 28, to modify the hearing schedule, is proposing trial procedures which would effectively put off the hearing to September 14, 1965. The Broadcast Bureau supports the request, its pleading setting out how the lengthy continuance will to a large extent serve its own schedule which most prominently features another matter likely, it is argued, to take up most of May and part of June.

2. This is too much, especially since staff counsel was careful early in the proceeding to remind that renewal cases are to be moved along. The month of July appears to be open and trial will be held during that month in accordance with the procedures set out below. Counsel for the applicant and for the Bureau are free as they wish to meet and to consult with a view to reducing the case to manageable proportions. But they are now on notice that fair process does not re-

<sup>1</sup> Commissioners Bartley and Loewinger absent.

quire that more time be extended for preparation than will have been available by the time the hearing opens in July.

*Accordingly, it is ordered*, This 5th day of May 1965, that the request of April 28, 1965, on behalf of United Broadcasting Co. to modify the hearing schedule is granted in that additional time is allowed for preparation and for the commencement of hearing, and in all other respects is denied. The following new schedule will govern the further conduct of this proceeding:

June 25, 1965—On or before this date the applicant will deliver to counsel for the Broadcast Bureau all written material it expects to rely upon in meeting its burden of proof under issues 2 and 3.

July 7, 1965—This is the new date—at 10 a.m., in Washington, D.C.—for the hearing to get under way. On this date, it is expected that consideration will be given at the outset to the trial of issues 2 and 3. On or before this date, too, the applicant must serve upon the Broadcast Bureau all of the written material it expects to rely upon in meeting its burden under all other issues. When trial of issues 2 and 3 is completed, the case will go forward without interruption to hear the evidence on all other issues.

July 1, 1965—If the Broadcast Bureau desires that the applicant produce for cross-examination witnesses sponsoring written exhibit material on issues 2 and 3, it must so notify the applicant on or before this new date of July 1, 1965. The date for calling for witnesses with respect to other issues will be later specified as the hearing develops.

Released: May 6, 1965.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 65-4949; Filed, May 10, 1965;  
8:48 a.m.]

[Docket No. 15844, 15845; FCC 65M-561]

## WEPA-TV, INC. (WEPA-TV) AND JET BROADCASTING CO., INC.

### Order Regarding Procedural Dates

In re applications of WEPA-TV, INC. (WEPA-TV), Erie, Pa., Docket No. 15844, File No. BMPCT-5953; for modification of construction permit; the Jet Broadcasting Co., Inc., Erie, Pa., Docket No. 15845, File No. BPCT-3324; for construction permit for new television broadcast station (Channel 24).

The Chief Hearing Examiner having under consideration a joint petition on behalf of the applicants, filed May 4, 1965, requesting an extension of certain procedural dates heretofore prescribed in the above-entitled proceeding;

It appearing, that the petitioners herein have pending with the Commission's Review Board a request for approval of an agreement looking toward dismissal of the application of WEPA-TV, Inc., and a grant of the application of The Jet Broadcasting Co., Inc.; and that approval of such agreement will render the above-entitled proceeding moot;

It appearing further, that the petition is not opposed by the Commission's Broadcast Bureau, the only other party to the proceeding, and that good cause is shown in support thereof;

*It is ordered*, This 5th day of May 1965, that the petition is granted, and procedural dates in the above-entitled proceeding are extended as follows:

	From	To
Exchange of exhibits.....	May 4	June 4, 1965
Notification of witnesses.....	May 13	June 11, 1965
Commencement of hearing.....	May 18	June 18, 1965

Released: May 6, 1965.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 65-4950; Filed, May 10, 1965;  
8:48 a.m.]

[Docket No. 15985; FCC 65-356]

## WHOO RADIO, INC. (WHOO)

### Order Designating Application for Hearing on Stated Issues

In re application of WHOO RADIO, INC. (WHOO), Orlando, Fla., Docket No. 15985, File No. BP-13708; has: 990 kc, 5 kw, 10 kw-LS, DA-N, U, Class II; requests: 990 kc, 5 kw, 50 kw-LS (10 kw-CH) DA-2, U, Class II; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 28th day of April 1965;

The Commission having under consideration the above-captioned and described application;

It appearing, that, except as indicated by the issues specified below, the applicant is legally, technically, financially, and otherwise qualified to construct and operate as proposed; and

It further appearing, that, according to the applicant's data, 5,428 persons or 2.4 percent of the population (based on 1960 Census) within the proposed 25 mv/m contour reside within the proposed 50 kw-1 v/m contour, resulting in a contravention of § 73.24(g) of the Commission's rules; and that the applicant has requested a waiver thereof; and

It further appearing, that the Commission has carefully considered the grounds and data submitted in support of the waiver request but is unable at this time to conclude that a waiver would serve the public interest and is of the opinion that the matter should be fully explored in an evidential hearing, after which the request for waiver will be either granted or denied; and

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject application would serve the public interest, convenience, and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below:

*It is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the application is designated for hearing at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or



lose primary service from the proposed operation of Station WHOO and the availability of other primary service to such areas and populations.

2. To determine whether the proposed operation is in compliance with § 73.24 (g) of the Commission's rules concerning population within the 1000 mv/m contour and, if not, whether circumstances exist which would warrant a waiver of said Section.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the application would serve the public interest, convenience and necessity.

It is further ordered, That, in the event of a grant of the application, the construction permit shall contain the following conditions:

The installation of a properly designed phase monitor in the transmitter room as a means of continuously and correctly indicating the amplitude and phase of currents in the several elements of the directional antenna system.

Field measuring equipment being available at all times and, after commencement of operation, the field intensity at each of the monitoring points being measured at least once every 7 days and an appropriate record kept of all measurements so made.

A complete nondirectional proof of performance, in addition to the required proof on the directional antenna system, being submitted before program tests are authorized.

Before program tests are authorized, permittee shall submit sufficient field intensity measurement data made on the nighttime array to establish that the installation of the additional tower for daytime operation has not adversely affected the nighttime radiation pattern.

It is further ordered, That, to avail itself of the opportunity to be heard, the applicant, pursuant to § 1.221(c) of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594 (g) of the rules.

Released: May 6, 1965.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 65-4951; Filed, May 10, 1965;  
8:48 a.m.]

<sup>1</sup> Commissioner Lee absent.

[Supp. 2]

# CANADIAN-U.S.A. TELEVISION AGREEMENT

## Amendment to Allocation of VHF Broadcast Stations

MAY 6, 1965.

Pursuant to an exchange of correspondence between the Department of Transport of Canada and the Federal Communications Commission, Table A, Annex 1 of the Television Working Arrangement under the Canadian-United States of America Television Agreement has been amended as indicated by the following table.

Further amendments to Table A will be issued as public notices in the form of numbered supplements.

Alberta		
City	Channel No.	
	Delete	Add
Coronation	12	12.
Drumheller		5 (limitation to protect Station CJPB-TV, Channel 5-, Swift Current, Saskatchewan).
Brooks		
British Columbia		
Mount Timothy	5-	5.
Terrace	3-	3.
White Lake		12.
Ontario		
Bancroft		2+.
Elliot Lake		9+ (limitation to protect CHFO-TV, Channel 9-, Timmins, Ontario).
Haliburton		5 (limited 310 watts maximum radiated power with submitted directional antenna pattern and 149').
Hearst		4-, 7.
Quebec		
Mont Clément		11 (limitation to protect Channel 11-, Sept Îles, Quebec, radiating 1,330 watts maximum power with submitted directional antenna pattern and 732').
Saskatchewan		
Tugueke	10-(L)	

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 65-4944; Filed, May 10, 1965;  
8:48 a.m.]

[Docket No. 14251; FCC 65-360]

## AMERICAN TELEPHONE & TELEGRAPH CO.

### Memorandum Opinion and Order

In the matter of American Telephone  
& Telegraph Co., Docket No. 14251; tariff

F.C.C. No. 250, TELPAK service and channels.

1. Numerous pleadings were filed subsequent to the Commission's action of December 23, 1964, in this proceeding; F.C.C. 64-1172, as corrected, published officially at 37 F.C.C. 1111. Petitions for reconsideration (or for rehearing and here considered as petitions for reconsideration) have been filed, respectively, by: Administrator of General Services; Aeronautical Radio, Inc.; Air Transport Association of America; American Telephone & Telegraph Co. and its associated operating telephone companies; American Trucking Associations, Inc.; Bethlehem Steel Corp. (formerly Bethlehem Steel Co.); Clark Equipment Co.; Douglas Aircraft Co., Inc.; Hunt Foods and Industries, Inc.; NAM Communications Committee; Olin Mathieson Chemical Corp., and United States Steel Corp., jointly; Eastern Air Lines, Inc.; International Business Machines Corp.; Lockheed Aircraft Corp.; and the Western Union Telegraph Co. Oppositions to Western Union's petition were filed by GSA; jointly by ARINC, Air Transport, American Airlines, Inc., Eastern, IBM, Lockheed, and Xerox Corp.; jointly by American Trucking Associations, Bethlehem, Douglas, NAM, Olin Mathieson, and U.S. Steel; by A.T. & T.; by Dow Jones & Co., Inc.; by Lockheed; by The Associated Press; by Twin Coast Newspapers, Inc.; and by Xerox (filed prior to the joint submittal of ARINC et al. in which Xerox also joined). Western Union replied to the oppositions to its petition and also filed an opposition to most of the petitions for reconsideration. ARINC and Air Transport joined in a reply to Western Union's opposition; A.T. & T. also replied to Western Union's opposition. The requests thus presented are before the Commission for final disposition at this time.

2. Western Union's petition requests reconsideration insofar as our memorandum Opinion and Order fails to require cancellation of the TELPAK tariff within 60 days. In general, the other petitions seek reconsideration of our conclusions that TELPAK and the other private line services are like communication services, that there is no competitive necessity in the case of TELPAK A and B, and that TELPAK C and D have not been shown to be compensatory.

3. We will consider first points raised by Western Union's petition. Our reasons for continuing temporarily the TELPAK rates in effect are fully set out in our previous Memorandum Opinion and Order, FCC 64-1172 published at 37 F.C.C. 1111. However, one matter in connection with Western Union's petition deserves mention. The petition assumes that the theory of our findings and conclusions is to require the cancellation, without more, of the TELPAK tariff schedules. It should be pointed out that our decision merely holds that there is a discrimination which has not been shown to be justified and which, absent such a showing, must be eliminated. This is different from a holding that TELPAK per se is unlawful. In any case, as we have said, our reasons for not requiring the immediate elimination of such discrimination are fully set out



in our previous Memorandum Opinion and Order. It is unnecessary to restate such reasons here. Moreover, we know of no legal basis upon which we can require A.T. & T. to refrain from furnishing any additional TELPAK service while the tariff schedules remain in effect. Accordingly, Western Union's petition will be denied.

4. The other petitions for reconsideration in large part restate arguments previously made and considered by the Commission in its tentative decision and its previous Memorandum Opinion and Order. No useful purpose would be served by again setting forth the Commission's reasons for determining these matters as it has in its previous pronouncements.

5. Several of the petitions appear to request reconsideration insofar as the Memorandum Opinion and Order does not list separately each individual exception filed by each of the parties together with a specific ruling on each. The Memorandum Opinion and Order, together with the tentative decision, is clear as to the basis for the Commission's determination herein. The Memorandum Opinion and Order states that all exceptions filed except as indicated therein were denied as either immaterial or contrary to the weight of the evidence. We believe that the parties have been unmistakably informed as to our rulings on exceptions. However, even though we believe our previous action was clear and specific in expressing our ruling on each exception submitted, the Commission now states its ruling for each exception individually by an appendix to the present order and we thereby grant the request for reconsideration to that extent.

6. In addition A.T. & T. Exception No. 1 warrants further specific mention. A.T. & T. notes in its petition for reconsideration that our Memorandum Opinion and Order does not specifically deal with this exception relating to the alleged denial of a "full hearing" by virtue of the participation of the Common Carrier Bureau staff in the decisional process. We believe this matter was effectively disposed of by our order of September 7, 1961, which denied a petition of A.T. & T. which sought to have the hearing examiner prepare an initial decision herein. To the extent that reconsideration of that order is now sought, we affirm the order for the reasons stated therein. We there pointed out that the procedure being criticized is consistent with the requirements of the Administrative Procedure Act. We further pointed out that A.T. & T.'s views would not be ignored and that it would have the opportunity to file proposed findings, as well as exceptions to an initial decision, and to request oral argument. This in fact has been the case. A.T. & T.'s case herein has been ably and forcefully presented and, along with the presentations of all other participants, has been carefully considered by the Commission. We find no merit to A.T. & T.'s contention in this respect.

7. Questions have been raised as to whether the Memorandum Opinion and Order is a final decision. It was and is the Commission's intention to dispose finally of the issues to the extent indicated therein. This, of course, does not

include final action concerning presently effective TELPAK C and D rates regarding which further evidence is to be taken.

Accordingly, it is ordered, That the above-referenced petitions for reconsideration are granted to the extent indicated above and in all other respects are denied.

Adopted: May 3, 1965.

Released: May 4, 1965.

# FEDERAL COMMUNICATIONS COMMISSION,<sup>1</sup>

[SEAL] BEN F. WAPLE,  
Secretary.

## APPENDIX

### RULINGS ON EXCEPTIONS OF A.T. & T.

Exception No.	Ruling
1-----	Denied. Presents no new arguments in again stating opposition to an interlocutory order of Feb. 6, 1962, adverse to A.T. & T. requests then pending.
2-----	Denied. To the extent that such matters were material, they were incorporated into the findings and conclusions.
3-5-----	Denied. Immaterial.
6, 7-----	Denied. Immaterial.
8-----	Granted. See A.T. & T. TELPAK Service, Memorandum Opinion and Order, par. 4, 37 F.C.C. 1111, 1112 (1964). <sup>2</sup>
9-11-----	Denied. The statement of the questions presented is in accordance with the law and the evidence.
12-----	Denied. The reasoning in the Tentative Decision is correct.
13-----	Denied. Immaterial; see M.O. par. 6, note 3.
14-----	Denied. The reasoning in the Tentative Decision is correct.
15, 16-----	Denied. The finding is in accordance with the evidence.
17-----	Denied. See M.O. par. 8.
18-----	Denied. The conclusion is supported by findings based upon substantial evidence.
19, 20-----	Denied. Immaterial.
21-----	Denied. See rulings on exceptions 12-18.
22-----	Denied. Immaterial in part and contrary to the weight of the evidence as to the remainder, as specifically discussed in the Tentative Decision and Memorandum Opinion.
23-----	Denied. See A.T. & T. TELPAK Service, Tentative Decision, par. 14, 38 F.C.C. 370, 379 (1964). <sup>3</sup>
24-----	Denied. This exception misstates the Tentative Decision.
25-----	Denied. The Tentative Decision correctly reasoned and discussed the result.
26, 27-----	Denied. Contrary to the weight of the evidence.
28-----	Denied. Immaterial.
29-----	Denied. Contrary to the weight of the evidence.
30-----	Denied. The reasoning of the Tentative Decision is correct.
31-----	Denied. Contrary to the weight of the evidence.
32-----	Denied. See rulings on exceptions 26-31.

<sup>1</sup> Commissioner Cox dissenting in part and concurring in part and stating that: "I would grant Western Union's petition to the extent it seeks prompt elimination of the discrimination which has been found to exist."  
<sup>2</sup> Hereafter this decision will be cited as M.O.

<sup>3</sup> Hereafter this decision will be cited as T.D.

### RULINGS ON EXCEPTIONS OF A.T. & T.—Con.

Exception No.	Ruling
33-----	Denied. Contrary to the weight of the evidence.
34-----	Denied. Contrary to the weight of the evidence.
35-----	Denied. Immaterial.
36, 37-----	Denied. Immaterial in part and contrary to the weight of the evidence in part.
38-----	Denied. Contrary to the weight of the evidence.
39-----	Denied. Contrary to the weight of the evidence.
40-----	Denied. Contrary to the weight of the evidence.
41-----	Denied. The reasoning of the Tentative Decision is correct.
42-----	Denied. The reasoning of the Tentative Decision is correct.
43-----	Denied. See rulings on exceptions 24-35.
44-----	Denied. Contrary to the weight of the evidence.
45-----	Denied. See ruling on exception 11.
46-----	Denied. See M.O. par. 14 and rulings on exceptions 12-22 and 24-43.
47-----	Denied. Immaterial.
48-----	Denied. Immaterial.
49-----	Denied. See M.O. par. 15.
50-53-----	Denied. Contrary to the weight of the evidence; see also M.O. par. 15.
54-----	Denied. Contrary to the weight of the evidence.
55, 56-----	Denied. The Tentative Decision properly evaluates the evidence in this regard.
57-----	Denied. The tariff itself fragmentizes the offering.
58-----	Denied. See ruling on exception 57; see also M.O. par. 14.
59-----	Denied. Contrary to the weight of the evidence.
60-----	Denied. Contrary to the weight of the evidence.
61-----	Denied. Immaterial in part and in part based on assumptions contrary to the evidence of record.
62-----	Denied. Immaterial.
63-----	Denied. Immaterial.
64-----	Denied. There is no implication in the Tentative Decision that the absence of cost evidence is due to Respondents unwillingness or failure to comply with a Commission request.
65-----	Denied. Immaterial.
66-----	Denied. Contrary to the weight of the evidence.
67-----	Denied. Contrary to the weight of the evidence.
68-----	Denied. Contrary to the weight of the evidence.
69-71-----	Denied. Contrary to the weight of the evidence.
72, 75-----	Denied. For the reasons stated in the Tentative Decision and Memorandum Opinion.
76, 78-80-----	Denied. Immaterial.
73-----	Denied. Immaterial.
74-----	Denied. See M.O. par. 4.
77-----	Denied. See M.O. par. 14.

### RULINGS ON EXCEPTIONS OF AMERICAN TRUCKING

1-----	Granted. See M.O. par. 4.
2-----	Denied. Contrary to weight of the evidence; see M.O. par. 18.
3-----	Denied. Contrary to the law.
4-----	Denied. Contrary to the law.
5-----	Denied. The exception misstates the Tentative Decision.
6, 8-----	Denied. See M.O. par. 14.
7-----	Denied. Contrary to the weight of the evidence; see M.O. par. 18.
9-----	Denied. See rulings on the other exceptions.
10-----	Denied. See M.O. pars. 4-10, 18.



RULINGS ON EXCEPTIONS OF AMERICAN  
TRUCKING—Continued

Exception No.	Ruling
11.....	Denied. Contrary to the weight of the evidence.
12.....	Denied. Contrary to the weight of the evidence.
13.....	Denied. Contrary to the weight of the evidence.
14, 15.....	Denied. Contrary to the weight of the evidence.
16.....	Denied. Contrary to the weight of the evidence.
17.....	Denied. Contrary to the weight of the evidence.
18.....	Denied. See rulings on other exceptions.
19, 20, 22.....	Denied. In view of the reasons set forth in the Memorandum Opinion.
21.....	Denied. See M.O. pars. 19, 20.

## RULINGS ON EXCEPTIONS OF AIRING

1.....	Denied. Contrary to the weight of the evidence.
2.....	Denied in part and granted in part; see M.O. par. 4.
3.....	Denied. Consideration has been given to all evidence and proposed findings and findings have been made on all relevant and material evidence.
4.....	Denied. Consideration was given to the factor of competition by private microwave systems. The second part of the exception is contrary to the weight of the evidence.
5.....	Denied. Contrary to the weight of the evidence.
6.....	Denied. Contrary to the weight of the evidence.
7.....	Denied. Contrary to the weight of the evidence.
8.....	Denied. See M.O. par. 14.
9.....	Denied. The original tariff is not at issue.
10.....	Denied. Contrary to the law.
11.....	Denied. The exception misstates the Tentative Decision.
12.....	Denied. Contrary to the weight of the evidence; contrary to the law.
13.....	Denied. Contrary to the law.
14.....	Denied. Contrary to the law.
15.....	Denied. See M.O. par. 13.

## RULINGS ON EXCEPTIONS OF ASSOCIATED PRESS

1.....	Denied. These matters have been dealt with in both the Tentative Decision and the Memorandum Opinion. Their statement in the manner and place proposed is not deemed necessary.
2.....	Denied. Immaterial.
3.....	Denied. Contrary to the weight of the evidence. The like features of the TELPAK and Private Line services are considered in M.O. pars. 5-9. Broadband service is treated at M.O. par. 6 and note 3; shared usage is discussed at M.O. par. 11.
4.....	Denied. Contrary to the weight of the evidence.
5, 6.....	Denied. See rulings on exceptions 13 and 14.
7, 12, 13.....	Denied. In view of and for the reasons set forth in the Tentative Decision and Memorandum Opinion.
8.....	Denied. See M.O. par. 14.
9.....	Denied. Irrelevant as the original TELPAK tariff is not at issue.

No. 90—5

RULINGS ON EXCEPTIONS OF ASSOCIATED  
PRESS—Continued

Exception No.	Ruling
10.....	Denied. There was no showing that volume reductions created a separate service; however, the principle that volume reductions may, in fact, create a separate service is recognized at T.D. pars. 8 and 15 and at M.O. par. 12. We are not aware of any volume rates for private line services furnished broadcast stations.
11.....	Denied. The exception misstates the Tentative Decision.

## RULINGS ON EXCEPTIONS OF EASTERN AIR LINES

1.....	Denied. Immaterial.
2.....	Denied. The exception misstates the Tentative Decision.
3.....	Denied. See M.O. par. 4.
4.....	Denied. See M.O. par. 4.
5.....	Denied. The exception misstates the Tentative Decision.
6.....	Granted. See M.O. par. 4.
7.....	Denied. Not in accordance with the Commission's rules.
8.....	Denied. The exception misstates the Tentative Decision.
9.....	Denied. Contrary to the weight of the evidence.
10.....	Denied. Contrary to the weight of the evidence. In part the exception misstates the Tentative Decision.
11.....	Denied. Contrary to the weight of the evidence.
12.....	Denied. See M.O. par. 14.
13-15.....	Denied. The original tariff is not at issue.
16.....	Denied. For the reasons stated in the Tentative Decision and the Memorandum Opinion.
17.....	Denied. The computation does include terminal charges.

## RULINGS ON EXCEPTIONS OF G.S.A.

1.....	Denied. Immaterial.
2, 16, 36.....	Denied. The arguments of all parties were considered; see M.O. par. 13.
3-6.....	Denied. T.D. par. 8 correctly states the fundamental questions to be considered.
7.....	Denied. The finding is in accordance with the evidence.
8, 9.....	Denied. The exception is legally incorrect. In any case the succeeding paragraphs give further reasons for concluding that TELPAK and the other private line services are like communication services.
10-12.....	Denied. Immaterial.
13-15.....	Denied. See M.O. pars. 5, 6, and 18.
17.....	Denied. The purpose of the table in T.D. par. 14 is not to show the nature of the TELPAK service; however, it does show a difference in rates.
18, 19, 37.....	Denied. See M.O. par. 14.
20.....	Denied. The finding is in accordance with the evidence.
21-26.....	Denied. Immaterial.
27.....	Denied. The finding is in accordance with the evidence.
28-30.....	Denied. Immaterial.
31.....	Denied. This exception is not supported by the record and is contrary to the weight of the evidence.
32.....	Denied. Contrary to the weight of the evidence.
33.....	Denied. Irrelevant.

## RULINGS ON EXCEPTIONS OF G.S.A.—Continued

Exception No.	Ruling
34.....	Denied. The finding is in accordance with the evidence.
35, 89, 93.....	Denied. The conclusion is in accordance with the basic findings supported by evidence of record.
38.....	Denied. The finding is in accordance with the evidence.
39.....	Denied. Immaterial.
40, 41.....	Denied. The reasons given for the exception are completely non sequitur.
42-53, 55, 56.....	Denied. The findings are in accordance with the evidence.
54.....	Denied. See M.O. par. 17 and note 5.
57.....	Denied. Immaterial.
58.....	Denied. The finding is in accordance with the evidence.
59.....	Denied. The finding is in accordance with the evidence.
60-62.....	Denied. Immaterial.
63.....	Denied. Immaterial.
64.....	Denied. Contrary to the weight of the evidence and immaterial.
65.....	Denied. Contrary to the weight of the evidence.
66, 67.....	Denied. Both findings are in accordance with the evidence.
68.....	Denied. See rulings on exceptions 54-56.
69.....	Denied. See rulings on exceptions 20-27.
70, 99.....	Denied. The reasons for the exceptions are logically erroneous.
71-73, 78-82.....	Denied. These exceptions are contrary to the weight of the evidence.
74-77.....	Denied. The first reason is contrary to the weight of the evidence and the second is immaterial.
83.....	Denied. Contrary to the weight of the evidence.
84, 86.....	Denied. See M.O. par. 12.
85.....	Denied. See ruling on exception 69.
87.....	Denied. See rulings on exceptions 39 and 40.
88.....	Granted. See M.O. par. 4.
90.....	Denied. The finding is in accordance with the evidence.
91.....	Denied. See ruling on exceptions 54-56.
92.....	Denied. See rulings on exceptions 19-35, 71-81 and 83.
94.....	Denied. Immaterial.
95, 96.....	Denied. Immaterial; see M.O. par. 14.
97, 98.....	Denied. See M.O. par. 6 and note 3.
100, 101.....	Denied. Not supported by the evidence.

## RULINGS ON EXCEPTIONS OF I.B.M.

1.....	Denied. Contrary to the weight of the evidence.
2.....	Denied. Contrary to the weight of the evidence.
3.....	Denied. Not in accordance with the Commission's Rules.
4.....	Denied. Contrary to the weight of the evidence.
5.....	Denied. Not in accordance with the Commission's Rules.
6.....	Denied. Not in accordance with the Commission's Rules.

## RULINGS ON EXCEPTIONS OF LOCKHEED

1.....	Denied. Immaterial.
2-4.....	Denied. See M.O. par. 4.
5.....	Denied. Immaterial.
6.....	Denied. Immaterial.



## RULINGS ON EXCEPTIONS OF LOCKHEED—CON.

Exception No.	Ruling
7.....	Granted. See M.O. par. 4.
8.....	Denied. Immaterial.
9.....	Denied. Contrary to the weight of the evidence.
10.....	Denied. See M.O. par. 12.
11.....	Denied. Contrary to the weight of the evidence.
12.....	Denied. Contrary to the weight of the evidence.
13.....	Denied. See M.O. par. 19.
14.....	Denied. Immaterial.
15.....	Denied. In view of the action taken in the Memorandum Opinion.

## RULINGS ON EXCEPTIONS OF TWIN-COAST NEWS

1.....	Denied. These matters have been dealt with in both the Tentative Decision and the Memorandum Opinion. Their statement in the manner and the place proposed is not deemed necessary.
2, 4, 5....	Denied. See M.O. para. 5-9.
3.....	Denied. Contrary to the weight of the evidence.
6.....	Denied. See M.O. par. 14.
7, 11.....	Denied. Contrary to the weight of the evidence.
8.....	Denied. Irrelevant as the original TELPAK tariff is not at issue.
9.....	Denied. Contrary to the weight of the evidence.
10.....	Denied. The exception misstates the Tentative Decision.
12.....	Denied. See M.O. par. 20.

## RULINGS ON EXCEPTIONS OF NAMBO

1.....	Denied. Not in accordance with the Commission's rules.
2.....	Denied. Contrary to the weight of the evidence.
3.....	Denied. Contrary to the weight of the evidence; see M.O. para. 17-18.
4.....	Denied. The exception misstates the Tentative Decision.

## RULINGS ON EXCEPTIONS OF DOW JONES

1.....	Granted. See M.O. par. 4.
2, 4.....	Denied. See T.D. note 8; M.O. par. 6 and note 3.
3.....	Denied. See M.O. par. 14.
5.....	Denied. Contrary to the weight of the evidence.
6.....	Denied. Not in accordance with the Commission's Rules.

## RULINGS ON EXCEPTIONS OF WESTERN UNION

1.....	Denied. Contrary to the weight of the evidence.
2.....	Denied. Immaterial.
3.....	Denied. Contrary to the weight of the evidence.
4.....	Denied. Immaterial.
5.....	Denied. Contrary to the weight of the evidence.
6.....	Denied. Immaterial.
7.....	Denied. Immaterial.

## RULINGS ON EXCEPTIONS OF UNITED PRESS INTERNATIONAL

1.....	Granted in part. See M.O. par. 4. The exception that UPI's argument was misstated is denied as immaterial.
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[F.R. Doc. 65-4947; Filed, May 10, 1965; 8:48 a.m.]

## DEPARTMENT OF AGRICULTURE

## Consumer and Marketing Service

## CERTAIN HUMANELY SLAUGHTERED LIVESTOCK

## Identification of Carcasses; Changes in Lists of Establishments

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904), and the statement of policy thereunder in 9 CFR 381.1, the lists (30 P.R. 100, 1204, 3228,

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Pigs	Horses
Swift & Co.	3AN			X			
John Morrell & Co.	136			X			
Globe Packing Co.	663			X			
Sheridan Meat Co., Inc.	708				X		
Species added: 5.							

Done at Washington, D.C., this 27th day of April 1965.

R. K. SOMERS,  
Acting Deputy Administrator,  
Consumer and Marketing Service.

[F.R. Doc. 65-4942; Filed, May 10, 1965; 8:48 a.m.]

## DEPARTMENT OF THE INTERIOR

## Bureau of Land Management

## ALASKA

## Notice of Proposed Amendment of Public Land Orders 2323 and 2557

May 4, 1965.

The Department of the Army, and the Public Health Service, Department of Health, Education, and Welfare, have filed a request for amendment of Public Land Orders 2323 and 2557 dated April 12, 1961, and December 11, 1961, respectively (Fairbanks 022930) which withdrew the lands described below for use as a National Guard armory and a native hospital site. The proposed amendment would conform the original metes and bounds description to the survey.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Fairbanks District and Land Office, Post Office Box 1150, Fairbanks, Alaska.

The authorized officer of the Bureau of Land Management will prepare a report for consideration by the Secretary of the Interior who will determine whether or not the withdrawal will be amended as requested by the Bureau of Indian Affairs.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

and 4501) of establishments which are operated under Federal inspection pursuant to the Meat Inspection Act (21 U.S.C. 71 et seq.) and which use humane methods of slaughter and incidental handling of livestock are hereby amended as follows:

The reference to sheep with respect to Silver Falls Packing Co., Inc., establishment 153, is deleted.

The following table lists additional species at previously listed establishments that have been reported as being slaughtered and handled humanely.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the National Guard armory site are:

## BARROW, ALASKA

U.S. Survey 4615, Alaska,  
Lot 3, block 20.

The area described aggregates 38,944 square feet.

The lands involved in the Public Health Service hospital site are:

## BARROW, ALASKA

U.S. Survey 4615, Alaska,  
Lots 1 and 2, block 20.

The area described aggregates 485,647 square feet.

DONALD E. HARDING,  
Acting Manager, Fairbanks  
District and Land Office.

[F.R. Doc. 65-4916; Filed, May 10, 1965; 8:45 a.m.]

## OUTER CONTINENTAL SHELF, TEXAS

## Call for Nominations of Areas for Sulphur Leasing

Pursuant to authority prescribed in 43 CFR, Part 3380, notice is hereby given that nominations of areas for prospective sulphur leasing in the Outer Continental Shelf off Texas may be submitted to the Director, Bureau of Land Management, Washington, D.C., not later than June 28, 1965. Copies of any nominations must be sent to the Regional Oil and Gas Supervisor, Geological Survey, T-6009 Federal Office Building, 701 Loyola Avenue, New Orleans, La. Envelopes should be marked "Nominations for sulphur leasing in the Outer Continental Shelf—Texas."

Official leasing maps in one set of eight maps and another set of four maps, showing leasing blocks off the coastline of Texas, can be purchased for one dollar per set from Manager, Bureau of Land Management, T-9003 Federal Office Building, 701 Loyola Avenue (Post Office Box 53226), New Orleans, La., 70150 and



Director, Eastern States Office, Bureau of Land Management, Washington, D.C., 20240. Areas to be nominated must be listed according to blocks as shown on these maps or properly described subdivisions of blocks into quarters.

Any areas selected for competitive bidding will be published in the **FEDERAL REGISTER** and the published notice of lease offers will state the conditions and terms for leasing and the place, date, and hour at which bids will be received and opened.

CHARLES H. STODDARD,  
Director,

Bureau of Land Management.

Approved: May 7, 1965.

STEWART L. UDALL,  
Secretary of the Interior.

[P.R. Doc. 65-4980; Filed, May 10, 1965;  
8:48 a.m.]

## ATOMIC ENERGY COMMISSION

[Docket No. 50-235]

### GENERAL DYNAMICS CORP.

#### Notice of Issuance of Construction Permit

Please take notice that, no request for a formal hearing having been filed following publication of the notice of proposed action in the **FEDERAL REGISTER**, the Atomic Energy Commission has issued, effective as of the date of issuance, Construction Permit No. CPRR-88 authorizing construction of a Fast Critical Assembly type nuclear reactor on the General Dynamics Corp.'s laboratory site at Torrey Pines Mesa, Calif.

The permit, as issued, was substantially as set forth in the Notice of Proposed Issuance of Construction Permit and Facility License published in the **FEDERAL REGISTER** April 17, 1965, 30 F.R. 5536.

Dated at Bethesda, Md., this 4th day of May 1965.

For the Atomic Energy Commission.

SAUL LEVINE,

Chief, Test and Power Reactor  
Safety Branch, Division of  
Reactor Licensing.

[P.R. Doc. 65-4929; Filed, May 10, 1965;  
8:47 a.m.]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

#### NEW DRUGS

#### Notice of Approval of Applications

As provided in § 130.33 of the new-drug regulations (21 CFR 130.33), notice is given of the following new drugs for which applications, or supplemental applications for substantive labeling changes, have been approved on the dates specified:

#### DRUGS FOR HUMAN USE

Active ingredients (as declared on label)	Trade name or other designated name and dosage form	Principal indication or pharmacological category	Applicant	Date approved	How dispensed <sup>1</sup>
2-Hydroxy-4-methoxybenzophenone-5-sulfonic acid, 10 percent.	Uval (lotion).....	Protective agent against sunburn.	Pharmafac, Inc., 10214 North Inter-regional, Austin, Tex.	July 23, 1964	OTC
Phenylbutazone, 50 mg.; prednisone, 1.25 mg.; dried aluminum hydroxide gel, 100 mg.; magnesium trisilicate, 150 mg.; homatropine methylbromide, 1.25 mg.	Sterazolidin (capsule).	Antiarthritic, anti-inflammatory.	Gelgy Chemical Corp., Post Office Box 430, Yonkers, N.Y.	Jan. 11, 1965	R <sub>x</sub>
Salicylic acid, 1 percent; yellow oxide of mercury, 1 percent; tetrasodium ethylene diamine tetraacetate, 0.15 percent; methyl benzethonium chloride, 0.1 percent.	Blef-Dome (ophthalmic ointment).	Aid in treatment of chronic blepharitis.	Dome Chemicals, Inc., 125 West End Ave., New York, N.Y., 10023.	Jan. 12, 1965	R <sub>x</sub>
Pyridostigmine bromide, 0.0660 gm. per 5 ml.	Mestinon (syrup).	Parasympathomimetic (cholinergic) agent.	Hoffman-La Roche, Inc., Nutley, N.J., 07110.	Jan. 28, 1965	R <sub>x</sub>
Isopterenol sulfate, 2 mg. per cc.	Vapo-N-Iso Metermatic (oral inhaler, aerosol).	Treatment of bronchial obstruction.	Vaponefrin Co., Bronx, N.Y., 10473.	Jan. 28, 1965	R <sub>x</sub>
Meprobamate, 400 mg.	Meproamate (tablet).	Tranquillizer.	Horton & Converse, Los Angeles, Calif.	Jan. 29, 1965	R <sub>x</sub>
Triamcinolone diacetate, 40 mg. per cc.	Aristocort Forte Parenteral (sterile suspension).	Glucocorticoid.	Lederle Laboratories, Pearl River, N.Y., 10965.	do. <sup>2</sup>	R <sub>x</sub>
Phenmetrazine hydrochloride, 25 mg.	Preludin (tablet).	Anorectic.	Gelgy Pharmaceuticals, division of Gelgy Chemical Corp., Post Office Box 430, Yonkers, N.Y.	Feb. 8, 1965	R <sub>x</sub>
Tolnaftate, 1 percent.	Tinactin (dermatological solution).	Antifungal agent.	Schering Corp., 60 Orange St., Bloomfield, N.J.	Feb. 10, 1965	R <sub>x</sub>
Decamethasone, 0.75 mg.	Deronil (tablet).	Glucocorticoid.	do.	Feb. 13, 1965	R <sub>x</sub>
Benztrol, 1, 2, and 5 mg.	Chemestrogen (tablet).	Synthetic estrogen indicated in menopause.	T. E. Watson Co., Post Office Box 133, Briarcliff Manor, N.Y., 10510.	Feb. 23, 1965	R <sub>x</sub>
Meprobamate, 400 mg.	Meproamate (tablet).	Tranquillizer.	The C. M. Bundy Co., Cincinnati, Ohio.	Feb. 25, 1965	R <sub>x</sub>
Betamethasone acetate, 3 mg. per cc.; betamethasone alcohol (as betamethasone disodium phosphate), 3 mg. per cc.	Celestone Solu-span (injection).	Antiinflammatory agent (corticosteroid).	Schering Corp., 60 Orange St., Bloomfield, N.J.	Mar. 3, 1965	R <sub>x</sub>
Metronidazole, 250 mg. per tablet and 500 mg. per insert.	Flagyl (tablet and vaginal insert).	Treatment of trichomonas vaginalis.	G. D. Searle & Co., Post Office Box 5110, Chicago, Ill., 60680.	Mar. 9, 1965	R <sub>x</sub>
Dexamethasone phosphate sodium, 4 mg. per cc.; lidocaine hydrochloride, 10 mg. per cc.	Decadron Phosphate with Xylazine (injection).	Corticosteroid.	Merck Sharp & Dohme, division of Merck & Co., Inc., West Point, Pa., 19480.	do. <sup>2</sup>	R <sub>x</sub>
Tybamate, 125 mg., 250 mg., and 500 mg.	Solacen (capsule).	Tranquillizer.	Wallace Laboratories, division of Carter Products, Inc., Half Acre Rd., Cranbury, N.J.	March 10, 1965	R <sub>x</sub>
Fluocinolone acetonide, 0.01 percent and 0.025 percent.	Synalar (cream).	Inflammatory dermatoses.	Syntex Laboratories, Inc., Palo Alto, Calif.	March 13, 1965	R <sub>x</sub>
Fluocinolone acetonide, 0.025 percent.	Synalar (ointment).	do.	do.	do.	R <sub>x</sub>
Hydrocortisone sodium succinate (equivalent to 100 mg. or 250 mg. of hydrocortisone base per vial).	Solu-Cortel (injection).	Corticosteroid.	The Upjohn Co., Kalamazoo, Mich.	March 16, 1965	R <sub>x</sub>
Triethylene melamine, 5 mg.	Triethylene Melamine (tablet).	Neoplastic suppressant.	Lederle Laboratories, division of American Cyanamid Co., Pearl River, N.Y.	do. <sup>2</sup>	R <sub>x</sub>
Amphetamine (present as a phosphate), 25 mg. per cc.	Leritine (injection).	Narcotic.	Merck Sharp & Dohme Research Laboratories, division of Merck & Co., Inc., West Point, Pa.	March 18, 1965	R <sub>x</sub>
Amphetamine (present as the dihydrochloride), 25 mg.	Leritine (tablet).	do.	do.	do.	R <sub>x</sub>

See footnotes at end of table.



## DRUGS FOR VETERINARY USE

Active ingredients (as declared on label)	Trade name or other designated name and dosage form	Principal indication or pharmacological category	Applicant	Date approved	How dispensed <sup>1</sup>
Neomycin sulfate, 5 mg. per gm.; 9-fluoroprednisolone acetate, 1 mg. per gm.; tetracaine hydrochloride, 5 mg. per gm. Do.	Neo-Predef (ointment).	Eye-ear topical anesthetic, anti-infective, anti-inflammatory.	The Upjohn Co., Kalamazoo, Mich.	Jan. 13, 1965	R <sub>x</sub>
	Neo-Predef (powder).	Topical anesthetic, anti-infective, anti-inflammatory.	do.	do.	R <sub>x</sub>
Trichlorfon, 7.3 gm. per 9.7 gm., 18.2 gm. per 24.3 gm., and 36.4 gm. per 48.6 gm.	Dyrex (granules).	Anthelmintic.	Fort Dodge Laboratories, Inc., Fort Dodge, Iowa.	Jan. 25, 1965 <sup>2</sup>	R <sub>x</sub>
Thiabendazole, 108 gm. per package.	Thiabendazole (drench).	Anthelmintic.	Merck Chemical Division, Merck & Co., Inc., Rahway, N.J.	do. <sup>2</sup>	OTC
Disophenol, 4.5 percent.	DNP (parenteral).	Anthelmintic.	American Cyanamid Co., Princeton, N.J.	Jan. 27, 1965 <sup>2</sup>	R <sub>x</sub>
Sulfamethizole, 250 mg.; methenamine mandelate, 250 mg.	Mesulfin (tablet).	Antibacterial for urinary tract infections.	Ayerst Laboratories, Inc., 685 3d Ave., New York, N.Y.	Feb. 19, 1965	R <sub>x</sub>

<sup>1</sup> The abbreviation "R<sub>x</sub>" means restricted by law to prescription only; the abbreviation "OTC" applies to drugs by law are not required to be sold on prescription.

<sup>2</sup> Supplemental application, labeling change.

Dated: May 4, 1965.

GEO. P. LARRICK,  
Commissioner of Food and Drugs.

[F.R. Doc. 65-4934; Filed, May 10, 1965;  
8:47 a.m.]

## CARLISLE CHEMICAL WORKS

## Notice of Filing of Petitions for Food Additives Adhesives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b) (5), 72 Stat. 1786; 21 U.S.C. 348 (b) (5)), notice is given that petitions (FAPs 5H1736, 5H1738, 5H1739) have been filed by Carlisle Chemical Works, Reading, Ohio, proposing an amendment to § 121.2520 *Adhesives* to provide for the safe use of bis(tri-*n*-butyltin) oxide, tri-*n*-butyltin acetate, and tri-*n*-butyltin neodecanoate as preservatives only.

Dated: May 4, 1965.

MALCOLM R. STEPHENS,  
Assistant Commissioner  
for Regulations.

[F.R. Doc. 65-4935; Filed, May 10, 1965;  
8:47 a.m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 1-319]

## ROOSEVELT FIELD, INC.

## Order Suspending Trading in Securities

MAY 4, 1965.

The common stock, \$1.50 par value, of Roosevelt Field, Inc., being listed and registered on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on

a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15 (c) (5) and 19(a) (4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 5, 1965, through May 14, 1965, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,  
Secretary.

[F.R. Doc. 65-4908; Filed, May 10, 1965;  
8:45 a.m.]

[File No. 1-3678]

## WEBB &amp; KNAPP, INC.

## Order Suspending Trading in Securities

MAY 4, 1965.

The common stock (10 cents par value), \$6 cumulative preferred stock, and 5 percent sinking fund debentures due June 1, 1974, of Webb & Knapp, Inc., being listed and registered on the American Stock Exchange, and such common stock having unlisted trading privileges on the Philadelphia-Baltimore-Washington Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934; and the warrants to purchase common stock of Webb & Knapp, Inc., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c) (5) and 19(a) (4) of the Securities Exchange Act of 1934, that trading in

the said common stock on such exchanges and in the said preferred stock and debentures on the American Stock Exchange, and trading otherwise than on a national securities exchange with respect to all of the securities mentioned herein be summarily suspended, this order to be effective for the period May 5, 1965, through May 14, 1965, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,  
Secretary.

[F.R. Doc. 65-4909; Filed, May 10, 1965;  
8:45 a.m.]

## FEDERAL POWER COMMISSION

[Docket No. RI65-599, etc.]

## GULF OIL CORP. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates<sup>1</sup>

APRIL 30, 1965.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A below.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before June 14, 1965.

By the Commission.

[SEAL] JOSEPH H. GUTHRIE,  
Secretary.

<sup>1</sup> Does not consolidate for hearing or dispose of the several matters herein.



## APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
B165-390...	Gulf Oil Corp., Post Office Box 1280, Tulsa, Okla., 74102.	22	11	Mississippi River Transmission Corp. (Woodlawn Field, Harrison County, Tex.) (R.R. District No. 6).	\$1,144	3-30-65	* 5-2-65	10-2-65	11 14.0	11 15.144	
	Gulf Oil Corp.	43	8	Natural Gas Pipeline Co. of America (Quindaro Fields, Roberts County, Tex.) (R.R. District No. 10).	49,000	3-30-65	* 5-2-65	10-2-65	11 12.0	11 13.0	
	do	45	14	Cities Service Gas Co. (Rhodes Pool, Barber County, Kans.).	21,300	3-30-65	* 5-2-65	10-2-65	11 12.0	11 14.0	
	do	49	4	Northern Natural Gas Co. (North Hansford Field, Hansford County, Tex.) (R.R. District No. 10).	10,230	3-30-65	* 5-2-65	10-2-65	11 15.5	11 16.5	
	do	51	3	Panhandle Eastern Pipe Line Co. (Foran Pool, Beaver County, Okla.) (Panhandle Area).	1,140	3-30-65	* 5-2-65	10-2-65	11 15.0	11 16.0	
	do	54	4	Panhandle Eastern Pipe Line Co. (Haviland Pool, Kiowa County, Kans.).	180	3-30-65	* 5-2-65	10-2-65	11 15.0	11 16.0	
	do	68	3	Panhandle Eastern Pipe Line Co. (Northwest Eva Pool, Texas County, Okla.) (Panhandle Area).	1,650	3-30-65	* 5-2-65	10-2-65	11 15.0	11 16.0	
	do	96	5	Colorado Interstate Gas Co. (Southwest Camp Creek Field, Beaver County, Okla.) (Panhandle Area).	3,114	3-30-65	* 5-2-65	10-2-65	11 16.80	11 17.92	
	do	98	16	Colorado Interstate Gas Co. (Laverne Field, Harper County, Okla.) (Panhandle Area).	48,458	3-30-65	* 5-2-65	10-2-65	11 16.725	11 17.840	
	do	99	4	Cities Service Gas Co. (Southeast Gibbon Field, Grant County, Okla.) (Oklahoma "Other" Area).	2,940	3-30-65	* 5-2-65	10-2-65	11 12.0	11 14.0	
	do	100	1	Panhandle Eastern Pipe Line Co. (South Greenwood Pool, Beaver County, Okla.) (Panhandle Area).	130	3-30-65	* 5-2-65	10-2-65	11 15.0	11 16.0	
	do	117	8	Northern Natural Gas Co. (Hugoton Field, Finney, Haskell, Kearny and Seward Counties, Kans.).	2,578	3-30-65	* 5-2-65	10-2-65	11 11.0	11 12.0	
	do	123	4	Northern Natural Gas Co. (North Hansford Field, Hansford County, Tex.) (R.R. District No. 10).	1,060	3-30-65	* 5-2-65	10-2-65	11 15.5	11 16.5	
	do	130	16	Natural Gas Pipeline Co. of America (Booneville Bend Conglomerate Gas and Ken-Rich Conglomerate Fields, Jack and Wise Counties, Tex.) (R.R. District No. 9).	51,437	3-30-65	* 5-2-65	10-2-65	11 14.5	11 16.00	
	do	133	3	Northern Natural Gas Co. (South Greenwood Field, Beaver County, Okla.) (Panhandle Area).	327	3-30-65	* 5-2-65	10-2-65	11 16.920	11 18.048	
	do	137	4	Cities Service Gas Co. (North Medicine Lodge Field, Barber County, Kans.).	2,640	3-30-65	* 5-2-65	10-2-65	11 12.0	11 14.0	
	do	141	5	Northern Natural Gas Co. (Northwest Dower Pool, Beaver County, Okla.) (Panhandle Area).	1,620	3-30-65	* 5-2-65	10-2-65	11 15.5	11 17.5	
	do	169	2	Cities Service Gas Co. (North Waterloo Pool, Logan County, Okla.) (Oklahoma "Other" Area).	400	3-30-65	* 5-2-65	10-2-65	11 11.0	11 12.0	
	do	180	4	Colorado Interstate Gas Co. (Hugoton Field, Kearney County, Kans.).	7,975	3-30-65	* 5-2-65	10-2-65	11 11.0	11 13.50	
	do	191	2	Cities Service Gas Co. (Southwest Wakita Pool, Grant County, Okla.) (Oklahoma "Other" Area).	650	3-30-65	* 5-2-65	10-2-65	11 13.0	11 14.0	
	do	217	2	Lone Star Gas Co. (Manziel Field, Wood County, Tex.) (R.R. District No. 6).	3,105	3-30-65	* 5-2-65	10-2-65	11 14.49	11 16.85	

See footnotes at end of table.



Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf		Rate in effect subject to refund in docket No.
									Rate in effect	Proposed increased rate	
RI-500	Gulf Oil Corp. (Con.).	80	12	Tennessee Gas Transmission Co. (Holmwood Field, Calcasieu Parish, La.).	\$4,582	3-30-65	5-2-65	10-2-65	\$ 15.75	24 25 26.625	
	do.	84	9	Texas Gas Transmission Corp. (Welsh Field, Jefferson Davis Parish, La.).	1,610	3-30-65	5-2-65	10-2-65	\$ 15.75	26 27 16.25	
	do.	87	7	Tennessee Gas Transmission Co. (Bully Camp Field, Lafourche Parish, La.).	20,300	3-30-65	5-2-65	10-2-65	\$ 18.5	27 28 20.5	
	do.	89	6	Tennessee Gas Transmission Co. (Dixon Bay (South Pass Block 24) Field, Plaquemines Parish, La.).	12,340	3-30-65	5-2-65	10-2-65	\$ 18.5	28 29 20.5	
	do.	201	6	United Gas Pipe Line Co. (Abbeville Field, Vermilion Parish, La.).	48,025	3-30-65	5-2-65	10-2-65	\$ 15.75	29 30 20.00	
	do.	157	5	Florida Gas Transmission Co. (East Corpus Christi Bay Field, Nueces County, Tex.) (R.R. District No. 4).	46,230	3-30-65	5-2-65	10-2-65	\$ 15.0	30 31 16.5	
	do.	158	5	Florida Gas Transmission Co. (East Mustang Island Field, Nueces County, Tex.) (R.R. District No. 4).	39,705	3-30-65	5-2-65	10-2-65	\$ 15.0	31 32 16.5	
	do.	160	3	United Gas Pipe Line Co. (Keeran and East Placedo Field, Victoria County, Tex.) (R.R. District No. 2).	7,661	3-30-65	5-2-65	10-2-65	\$ 14.7125	32 33 15.7525	
	do.	162	4	United Gas Pipe Line Co. (North McFaddin Field Victoria County, Tex.) (R.R. District No. 2).	6,976	3-30-65	5-2-65	10-2-65	\$ 14.7125	33 34 15.7525	
	do.	178	2	Transcontinental Gas Pipe Line Corp. (Dilworth Dome Field, McMullen County, Tex.) (R.R. District No. 1).	4,419	3-30-65	5-2-65	10-2-65	\$ 14.189	34 35 15.2025	
	do.	38	3	El Paso Natural Gas Co. (Blanco Pool, San Juan County, N. Mex.) (San Juan Basin Area).	214	3-30-65	5-2-65	10-2-65	32 33 34 13.2308	35 36 37 38 14.2501	
	do.	57	6	El Paso Natural Gas Co. (Big Piney and East Labarge Pools, Sublette County, Wyo.).	11,060	3-30-65	5-2-65	10-2-65	39 40 15.0	41 42 15.0	
	do.	174	3	El Paso Natural Gas Co. (Dry Piney Area, Sublette County, Wyo.).	12,450	3-30-65	5-2-65	10-2-65	43 44 15.0	45 46 17.5	
	do.	190	7	El Paso Natural Gas Co. (Gallegos Gallup (Basin Dakota) Pool, San Juan County, N. Mex.) (San Juan Basin Area).	5,707	3-30-65	5-2-65	10-2-65	47 48 49 50 13.2295	51 52 53 54 14.2496	
	do.	202	4	El Paso Natural Gas Co. (Ballard Pool, Rio Arriba County, N. Mex.) (San Juan Basin Area).	9,600 71	3-30-65 3-30-65	5-2-65 5-2-65	10-2-65 10-2-65	55 56 57 58 13.2295 59 60 61 12.2104	62 63 64 14.2496 65 66 67 13.2295	
	do.	223	5	Colorado Interstate Gas Co. (Patrick Draw Field, Sweetwater County, Wyo.).	2,770	3-30-65	5-2-65	10-2-65	68 69 15.3840	70 71 16.4096	
RI65-600	Gulf Oil Corp. (Operator), et al.	44	7	Michigan Wisconsin Pipe Line Co. (Nichols Pool, Kiowa County, Kans.).	12,000	3-30-65	5-2-65	10-2-65	72 73 15.0	74 75 16.0	
	do.	70	6	do.	2,570	3-30-65	5-2-65	10-2-65	76 77 15.0	78 79 16.0	
	do.	102	11	Mississippi River Transmission Corp. (Woodlawn Field, Harrison County, Tex.) (R.R. District No. 6).	2,071	3-30-65	5-2-65	10-2-65	80 81 14.0	82 83 15.144	
	do.	79	10	Texas Gas Transmission Corp. (South Bell City Field, Calcasieu Parish, La.).	23,280	3-30-65	5-2-65	10-2-65	84 85 15.75	86 87 19.75	
	do.	88	7	Tennessee Gas Transmission Co. (Timbalier Bay Field Lafourche Parish, La.).	477,600	3-30-65	5-2-65	10-2-65	88 89 18.5	90 91 20.5	
	do.	93	7	Texas Gas Transmission Corp. (South Bell City Field, Calcasieu Parish, La.).	15,800	3-30-65	5-2-65	10-2-65	92 93 18.75	94 95 19.75	
	do.	124	9	United Fuel Gas Co. (Southeast Houma Field, Terrebonne Parish, La.).	1,752	3-30-65	5-2-65	10-2-65	96 97 18.7	98 99 21.1	
	do.	159	5	Florida Gas Transmission Co. (Lockridge Field, Brazoria County, Tex.) (R.R. District No. 3).	25,890	3-30-65	5-2-65	10-2-65	100 101 16.0	102 103 17.5	
	do.	234	4	Florida Gas Transmission Co. (Chenango and Blue Lake Fields, Brazoria County Tex.) (R.R. District No. 3).	23,250	3-30-65	5-2-65	10-2-65	104 105 16.0	106 107 17.5	

See footnotes at end of table.



Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
WIS-906	Gulf Oil Corp. (Operator), et al. (Continued).	150	5	El Paso Natural Gas Co. (Blasi Area, San Juan County, N. Mex.) (San Juan Basin Area).	\$2,517	3-30-65	4-5-65	10-2-65	24.42 44 13.2486	24.34 14.2678	

\* Upon expiration of statutory notice from Apr. 1, 1965, the end of the moratorium period provided by settlement order issued Apr. 25, 1963.

\* Periodic rate increase.

\* Pressure base is 14.65 p.s.i.g.

\* Subject to a downward B.T.U. adjustment.

\* Settlement rate as per order conditionally approving companywide settlement issued Apr. 25, 1963, in Docket Nos. G-6520, et al.

\* Ceiling rate for increased rates but not effective rate at time of settlement.

\* Initial rate but not effective rate at time of settlement.

\* Renegotiated rate increase.

\* Initial rate and effective rate at time of settlement.

\* Includes periodic increase of 1.0 cent per Mcf plus proportionate B.T.U. adjustment.

\* Includes base rate of 15.0 cents per Mcf before increase and 16.0 cents per Mcf after increase plus upward B.T.U. adjustment. Base rates subject to upward and downward B.T.U. adjustment.

\* Step periodic rate increase.

\* Includes 0.75 cent per Mcf deducted by buyer for dehydration.

\* Effective rate at time of settlement.

\* Includes periodic increase plus upward B.T.U. adjustment plus dehydration charge paid by buyer.

\* Includes base rate of 15.0 cents per Mcf plus 0.84 cent upward B.T.U. adjustment plus 0.26 cent paid by buyer for dehydration. Base rate subject to upward and downward B.T.U. adjustment.

\* Includes all allowances for B.T.U. adjustment and reimbursement for dehydration.

\* Includes periodic increase plus proportionate upward B.T.U. adjustment.

\* Includes base rate of 16.0 cents per Mcf plus upward B.T.U. adjustment. Base rate subject to upward and downward B.T.U. adjustment.

\* Settlement rate includes base rate of 18.0 cents plus B.T.U. adjustment, but not to exceed 17.0 cents per Mcf. Base rate subject to upward and downward B.T.U. adjustment.

\* Includes base rate of 15.0 cents per Mcf before increase and 16.0 cents per Mcf after increase plus upward B.T.U. adjustment. Base rates subject to upward and downward B.T.U. adjustment.

\* Step periodic rate increase.

\* Includes 0.75 cent per Mcf deducted by buyer for dehydration.

\* Effective rate at time of settlement.

\* Includes periodic increase plus upward B.T.U. adjustment plus dehydration charge paid by buyer.

\* Includes base rate of 15.0 cents per Mcf plus 0.84 cent upward B.T.U. adjustment plus 0.26 cent paid by buyer for dehydration. Base rate subject to upward and downward B.T.U. adjustment.

\* Includes all allowances for B.T.U. adjustment and reimbursement for dehydration.

\* Includes periodic increase plus proportionate upward B.T.U. adjustment.

\* Includes base rate of 16.0 cents per Mcf plus upward B.T.U. adjustment. Base rate subject to upward and downward B.T.U. adjustment.

\* Settlement rate includes base rate of 18.0 cents plus B.T.U. adjustment, but not to exceed 17.0 cents per Mcf. Base rate subject to upward and downward B.T.U. adjustment.

\* Includes base rate of 15.0 cents per Mcf before increase and 16.0 cents per Mcf after increase plus upward B.T.U. adjustment. Base rates subject to upward and downward B.T.U. adjustment.

\* Step periodic rate increase.

\* Includes 0.75 cent per Mcf deducted by buyer for dehydration.

\* Effective rate at time of settlement.

\* Includes periodic increase plus upward B.T.U. adjustment plus dehydration charge paid by buyer.

\* Includes base rate of 15.0 cents per Mcf plus 0.84 cent upward B.T.U. adjustment plus 0.26 cent paid by buyer for dehydration. Base rate subject to upward and downward B.T.U. adjustment.

\* Includes all allowances for B.T.U. adjustment and reimbursement for dehydration.

\* Includes periodic increase plus proportionate upward B.T.U. adjustment.

\* Includes base rate of 16.0 cents per Mcf plus upward B.T.U. adjustment. Base rate subject to upward and downward B.T.U. adjustment.

\* Settlement rate includes base rate of 18.0 cents plus B.T.U. adjustment, but not to exceed 17.0 cents per Mcf. Base rate subject to upward and downward B.T.U. adjustment.

\* Includes base rate of 15.0 cents per Mcf before increase and 16.0 cents per Mcf after increase plus upward B.T.U. adjustment. Base rates subject to upward and downward B.T.U. adjustment.

\* Step periodic rate increase.

\* Includes 0.75 cent per Mcf deducted by buyer for dehydration.

\* Effective rate at time of settlement.

\* Includes periodic increase plus upward B.T.U. adjustment plus dehydration charge paid by buyer.

\* Includes base rate of 15.0 cents per Mcf plus 0.84 cent upward B.T.U. adjustment plus 0.26 cent paid by buyer for dehydration. Base rate subject to upward and downward B.T.U. adjustment.

\* Includes all allowances for B.T.U. adjustment and reimbursement for dehydration.

\* Includes periodic increase plus proportionate upward B.T.U. adjustment.

\* Includes base rate of 16.0 cents per Mcf plus upward B.T.U. adjustment. Base rate subject to upward and downward B.T.U. adjustment.

\* Settlement rate includes base rate of 18.0 cents plus B.T.U. adjustment, but not to exceed 17.0 cents per Mcf. Base rate subject to upward and downward B.T.U. adjustment.

\* Includes base rate of 15.0 cents per Mcf before increase and 16.0 cents per Mcf after increase plus upward B.T.U. adjustment. Base rates subject to upward and downward B.T.U. adjustment.

\* Step periodic rate increase.

\* Includes 0.75 cent per Mcf deducted by buyer for dehydration.

\* Effective rate at time of settlement.

\* Includes periodic increase plus upward B.T.U. adjustment plus dehydration charge paid by buyer.

\* Includes base rate of 15.0 cents per Mcf plus 0.84 cent upward B.T.U. adjustment plus 0.26 cent paid by buyer for dehydration. Base rate subject to upward and downward B.T.U. adjustment.

\* Includes all allowances for B.T.U. adjustment and reimbursement for dehydration.

\* Includes periodic increase plus proportionate upward B.T.U. adjustment.

\* Includes base rate of 16.0 cents per Mcf plus upward B.T.U. adjustment. Base rate subject to upward and downward B.T.U. adjustment.

\* Settlement rate includes base rate of 18.0 cents plus B.T.U. adjustment, but not to exceed 17.0 cents per Mcf. Base rate subject to upward and downward B.T.U. adjustment.

\* Includes base rate of 15.0 cents per Mcf before increase and 16.0 cents per Mcf after increase plus upward B.T.U. adjustment. Base rates subject to upward and downward B.T.U. adjustment.

\* Step periodic rate increase.

\* Includes 0.75 cent per Mcf deducted by buyer for dehydration.

\* Effective rate at time of settlement.

\* Includes periodic increase plus upward B.T.U. adjustment plus dehydration charge paid by buyer.

\* Includes base rate of 15.0 cents per Mcf plus 0.84 cent upward B.T.U. adjustment plus 0.26 cent paid by buyer for dehydration. Base rate subject to upward and downward B.T.U. adjustment.

\* Includes all allowances for B.T.U. adjustment and reimbursement for dehydration.

\* Includes periodic increase plus proportionate upward B.T.U. adjustment.

\* Includes base rate of 16.0 cents per Mcf plus upward B.T.U. adjustment. Base rate subject to upward and downward B.T.U. adjustment.

\* Settlement rate includes base rate of 18.0 cents plus B.T.U. adjustment, but not to exceed 17.0 cents per Mcf. Base rate subject to upward and downward B.T.U. adjustment.

\* Includes base rate of 15.0 cents per Mcf before increase and 16.0 cents per Mcf after increase plus upward B.T.U. adjustment. Base rates subject to upward and downward B.T.U. adjustment.

\* Step periodic rate increase.

\* Includes 0.75 cent per Mcf deducted by buyer for dehydration.

\* Effective rate at time of settlement.

\* Includes periodic increase plus upward B.T.U. adjustment plus dehydration charge paid by buyer.

\* Includes base rate of 15.0 cents per Mcf plus 0.84 cent upward B.T.U. adjustment plus 0.26 cent paid by buyer for dehydration. Base rate subject to upward and downward B.T.U. adjustment.

\* Includes all allowances for B.T.U. adjustment and reimbursement for dehydration.

\* Includes periodic increase plus proportionate upward B.T.U. adjustment.

\* Includes base rate of 16.0 cents per Mcf plus upward B.T.U. adjustment. Base rate subject to upward and downward B.T.U. adjustment.

\* Settlement rate includes base rate of 18.0 cents plus B.T.U. adjustment, but not to exceed 17.0 cents per Mcf. Base rate subject to upward and downward B.T.U. adjustment.

\* Includes base rate of 15.0 cents per Mcf before increase and 16.0 cents per Mcf after increase plus upward B.T.U. adjustment. Base rates subject to upward and downward B.T.U. adjustment.

\* Step periodic rate increase.

\* Includes 0.75 cent per Mcf deducted by buyer for dehydration.

\* Effective rate at time of settlement.

\* Includes periodic increase plus upward B.T.U. adjustment plus dehydration charge paid by buyer.

\* Includes base rate of 15.0 cents per Mcf plus 0.84 cent upward B.T.U. adjustment plus 0.26 cent paid by buyer for dehydration. Base rate subject to upward and downward B.T.U. adjustment.

\* Includes all allowances for B.T.U. adjustment and reimbursement for dehydration.

\* Includes periodic increase plus proportionate upward B.T.U. adjustment.

\* Includes base rate of 16.0 cents per Mcf plus upward B.T.U. adjustment. Base rate subject to upward and downward B.T.U. adjustment.

\* Settlement rate includes base rate of 18.0 cents plus B.T.U. adjustment, but not to exceed 17.0 cents per Mcf. Base rate subject to upward and downward B.T.U. adjustment.

\* Includes base rate of 15.0 cents per Mcf before increase and 16.0 cents per Mcf after increase plus upward B.T.U. adjustment. Base rates subject to upward and downward B.T.U. adjustment.

\* Step periodic rate increase.

\* Includes 0.75 cent per Mcf deducted by buyer for dehydration.

\* Effective rate at time of settlement.

\* Includes periodic increase plus upward B.T.U. adjustment plus dehydration charge paid by buyer.

\* Periodic increase plus 1.0 cent per Mcf for seller relinquishing right to process gas.

\* Includes base rate of 16.5 cents per Mcf plus 1.0 cent for seller relinquishing right to process gas.

\* Favored-nation rate increase.

\* Pressure base is 15.025 p.s.i.g.

\* Redetermined rate increase.

\* Increase from settlement rate to contractually provided for periodic rate increase.

\* Includes 1.5 cents per Mcf tax reimbursement.

\* Increase is to first step of periodic escalation schedule in renegotiated contract.

\* Increase to initial contract rate.

\* Increase to contractually provided for periodic rate.

\* Includes 1.0 cent per Mcf minimum guarantee for liquids.

\* Subject to a deduction for compression.

\* El Paso Natural Gas Co. has protested the level of tax reimbursement included in this rate.

\* Tax portion of rate in effect subject to refund in Docket No. R104-95.

\* Settlement rate of 12.0 cents per Mcf plus 1.0 cent minimum guarantee for liquids; 0.238 cent represents tax reimbursement which is in effect subject to refund in Docket No. R104-95.

\* Rate reduced 1.0 cent per Mcf for low pressure gas (below 500 p.s.i.g.).

\* Initial rate and rate in effect at time of settlement was 12 cents; additional amount represents tax reimbursement in effect subject to refund.

\* Includes 1.75 cents per Mcf tax reimbursement.

\* Periodic increase to 8th step of periodic escalation schedule in contract.

\* Includes 1.5 cents per Mcf tax reimbursement.

\* Increase to initial contract rate.

\* Tax portion of rate in effect subject to refund in Docket No. R104-95.

\* Settlement rate of 12.0 cents per Mcf plus 1.0 cent minimum guarantee for liquids; 0.238 cent represents tax reimbursement which is in effect subject to refund in Docket No. R104-95.

\* Includes 1.75 cents per Mcf tax reimbursement.

\* Periodic increase to 8th step of periodic escalation schedule in contract.

\* Includes 1.5 cents per Mcf tax reimbursement.

\* Increase to initial contract rate.

\* Tax portion of rate in effect subject to refund in Docket No. R104-95.

\* Settlement rate of 12.0 cents per Mcf plus 1.0 cent minimum guarantee for liquids; 0.238 cent represents tax reimbursement which is in effect subject to refund in Docket No. R104-95.

\* Includes 1.75 cents per Mcf tax reimbursement.

\* Periodic increase to 8th step of periodic escalation schedule in contract.

\* Includes 1.5 cents per Mcf tax reimbursement.

\* Increase to initial contract rate.

\* Tax portion of rate in effect subject to refund in Docket No. R104-95.

\* Settlement rate of 12.0 cents per Mcf plus 1.0 cent minimum guarantee for liquids; 0.238 cent represents tax reimbursement which is in effect subject to refund in Docket No. R104-95.

\* Includes 1.75 cents per Mcf tax reimbursement.

\* Periodic increase to 8th step of periodic escalation schedule in contract.

\* Includes 1.5 cents per Mcf tax reimbursement.

\* Increase to initial contract rate.

\* Tax portion of rate in effect subject to refund in Docket No. R104-95.

\* Settlement rate of 12.0 cents per Mcf plus 1.0 cent minimum guarantee for liquids; 0.238 cent represents tax reimbursement which is in effect subject to refund in Docket No. R104-95.

\* Includes 1.75 cents per Mcf tax reimbursement.

\* Periodic increase to 8th step of periodic escalation schedule in contract.

\* Includes 1.5 cents per Mcf tax reimbursement.

\* Increase to initial contract rate.

\* Tax portion of rate in effect subject to refund in Docket No. R104-95.

\* Settlement rate of 12.0 cents per Mcf plus 1.0 cent minimum guarantee for liquids; 0.238 cent represents tax reimbursement which is in effect subject to refund in Docket No. R104-95.

\* Includes 1.75 cents per Mcf tax reimbursement.

\* Periodic increase to 8th step of periodic escalation schedule in contract.

\* Includes 1.5 cents per Mcf tax reimbursement.

\* Increase to initial contract rate.

\* Tax portion of rate in effect subject to refund in Docket No. R104-95.

\* Settlement rate of 12.0 cents per Mcf plus 1.0 cent minimum guarantee for liquids; 0.238 cent represents tax reimbursement which is in effect subject to refund in Docket No. R104-95.

\* Includes 1.75 cents per Mcf tax reimbursement.

\* Periodic increase to 8th step of periodic escalation schedule in contract.

\* Includes 1.5 cents per Mcf tax reimbursement.

\* Increase to initial contract rate.

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\* Settlement rate of 12.0 cents per Mcf plus 1.0 cent minimum guarantee for liquids; 0.238 cent represents tax reimbursement which is in effect subject to refund in Docket No. R104-95.

\* Includes 1.75 cents per Mcf tax reimbursement.

\* Periodic increase to 8th step of periodic escalation schedule in contract.

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\* Increase to initial contract rate.

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\* Includes 1.75 cents per Mcf tax reimbursement.

\* Periodic increase to 8th step of periodic escalation schedule in contract.

\* Includes 1.5 cents per Mcf tax reimbursement.

\* Increase to initial contract rate.

\* Tax portion of rate in effect subject to refund in Docket No. R104-95.

\* Settlement rate of 12.0 cents per Mcf plus 1.0 cent minimum guarantee for liquids; 0.238 cent represents tax reimbursement which is in effect subject to refund in Docket No. R104-95.

\* Includes 1.75 cents per Mcf tax reimbursement.

\* Periodic increase to 8th step of periodic escalation schedule in contract.

\* Includes 1.5 cents per Mcf tax reimbursement.

\* Increase to initial contract rate.

\* Tax portion of rate in effect subject to refund in Docket No. R104-95.

\* Settlement rate of 12.0 cents per Mcf plus 1.0 cent minimum guarantee for liquids; 0.238 cent represents tax reimbursement which is in effect subject to refund in Docket No. R104-95.

\* Includes 1.75 cents per Mcf tax reimbursement.

\* Periodic increase to 8th step of periodic escalation schedule in contract.

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\* Increase to initial contract rate.

\* Tax portion of rate in effect subject to refund in Docket No. R104-95.

\* Settlement rate of 12.0 cents per Mcf plus 1.0 cent minimum guarantee for liquids; 0.238 cent represents tax reimbursement which is in effect subject to refund in Docket No. R104-95.

\* Includes 1.75 cents per Mcf tax reimbursement.

\* Periodic increase to 8th step of periodic escalation schedule in contract.

\* Includes 1.5 cents per Mcf tax reimbursement.

\* Increase to initial contract rate.

\* Tax portion of rate in effect subject to refund in Docket No. R104-95.

\* Settlement rate of 12.0 cents per Mcf plus 1.0 cent minimum guarantee for liquids; 0.238 cent represents tax reimbursement which is in effect subject to refund in Docket No. R104-95.

\* Includes 1.75 cents per Mcf tax reimbursement.

\* Periodic increase to 8th step of periodic escalation schedule in contract.

\* Includes 1.5 cents per Mcf tax reimbursement.

\* Increase to initial contract rate.

\* Tax portion of rate in effect subject to refund in Docket No. R104-95.

\* Settlement rate of 12.0 cents per Mcf plus 1.0 cent minimum guarantee for liquids; 0.238 cent represents tax reimbursement which is in effect subject to refund in Docket No. R104-95.

Gulf Oil Corp. and Gulf Oil Corp. (Operator), et al. (both referred to herein as Gulf) request waiver of the statutory notice period in order to permit their proposed rate increases to become effective as of April 1, 1965. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Gulf's rate filings and such requests are denied.

Gulf's proposed rate filings were submitted on March 30, 1965, one day prior to the expiration of the moratorium period provided by Gulf's company-wide settlement approved by Commission order issued April 25, 1963, in Docket Nos. G-6520, et al. Therefore, the expiration of the 30-day statutory notice requirement should commence from April 1, 1965, consistent with the Commission's aforementioned settlement order.

Supplements Nos. 3, 5, 7, and 4 to Gulf's FPO Gas Rate Schedules Nos. 38, 150, 190, and 201, respectively, include partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax which was increased from 2.0 percent to 2.55 percent on April 1, 1963. The buyer, El Paso Natural Gas Co. (El Paso), in accordance with its policy of protesting all tax filings proposing reimbursement for the New Mexico Emergency School Tax in excess of 0.55 percent, has protested the aforementioned supplements with respect to the tax reimbursement portion thereof. El Paso questions the right of Gulf under the tax reimbursement clauses to file a rate increase reflecting tax reimbursement computed on the basis of an increase in tax rate by the New Mexico Legislature in excess of 0.55 percent. Under the circumstances, we shall provide that the hearings herein shall concern themselves with the contractual basis for Gulf's rate filings which El Paso has protested, as well as the statutory lawfulness of the increased rates and charges contained in all of the above-designated rate supplements.

All of the proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR, Ch. I, Pt. 2, 1.256).

United Gas Pipe Line Co. (United) has protested the proposed periodic rate increase filed by Gulf, designated herein as Supplement No. 6 to Gulf's FPO Gas Rate Schedule No. 201, contending that Gulf's "fractured" rate filing (the filing for a rate increase below that which is contractually authorized) is not consistent with the provisions of section 4(d) of the Natural Gas Act in the absence of United's consent. Based on such contention, United requests that Gulf be prohibited from filing for a higher rate increase above the level proposed here, as permitted under the contract, for the remainder of the contractual pricing period which expires on October 25, 1967. Section 4(d) does not preclude, as United contends, the filing of a "fractured" rate increase,



[Docket No. E-7221]

**IOWA PUBLIC SERVICE CO.****Notice of Application**

MAY 3, 1965.

Take notice that on April 26, 1965, the Iowa Public Service Co. (Applicant), an Iowa corporation, primarily engaged in the distribution and sale of electric energy and natural gas in 30 counties in Iowa, 3 counties in South Dakota, and 1 county in Nebraska, filed an application with the Federal Power Commission, pursuant to section 203 of the Federal Power Act, requesting authority to acquire certain electric distribution facilities from the city of Sioux City, Iowa (City).

The facilities to be acquired comprise the electric distribution facilities which the City has recently obtained from the U.S. Air Force. The City has for many years owned the land which comprised the Sioux City Municipal Airport and the Sioux City Air Base. This land has been under lease to the U.S. Air Force and the Air Force has operated the electric distribution system which serves the area. In recent years, the area has been annexed into the corporate limits of the city of Sioux City and the City has now completed negotiations with the U.S. Air Force whereby the land has been returned to the City and all utilities were given to the City. According to the application, the consideration to be paid by the Applicant for the facilities is \$91,250.

Applicant represents that it has for many years been supplying the electric energy distributed over the facilities herein considered and in many cases, the Applicant has been metering directly to those customers at the airport. Applicant further represents that the use of the facilities will not change after the acquisition and that the Applicant will assume responsibility for the maintenance of the facilities. Applicant states that this transaction will have no effect on any contract for the purchase, sale, or interchange of energy. According to the application, Applicant will acquire all of the distribution facilities of the City at the airport. However, the City will retain ownership to a short distribution line which supplies service to the Capehart Housing Development. The Applicant states that it cannot acquire ownership to this line because it runs through the incorporated town of Sergeant Bluff wherein the Applicant has no franchise to operate.

Applicant represents that it is in the best interest of the public that uses the facilities of the Sioux City Municipal Airport, and the best interest of the public that relies on the S.A.G.E. installation, that the electric distribution system at the airport be owned and maintained by the local franchised electric utility, which is the Applicant. Applicant also represents that it is likewise in the best public interest that electric energy be supplied, and services and facilities expanded to the commercial and industrial users by the local franchised electric utility which can best meet their needs. According to the application, the City is not in the business of selling electric energy and is not equipped to adequately

maintain such facilities, nor does the City desire to engage in this business.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 19, 1965, file with the Federal Power Commission, Washington, D.C., 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,  
Secretary.

[P.R. Doc. 65-4911; Filed, May 10, 1965;  
8:45 a.m.]

[Docket No. E-7222]

**MICHIGAN GAS AND ELECTRIC CO.****Order Instituting Investigation and Providing for Hearing**

MAY 4, 1965.

Michigan Gas and Electric Co. (MGE), a Michigan corporation, with its principal place of business at 100 South Main, Three Rivers, Mich. by rate schedule filings completed on July 1, 1964, filed with this Commission an agreement and a supplement thereto<sup>1</sup> with the city of Dowagiac, Mich., Board of Public Works (Dowagiac) as an initial rate schedule and a supplement to a filed rate schedule<sup>2</sup> providing for service to the village of Paw Paw, Mich. (Paw Paw).

Available data indicate that MGE's average annual charges to Paw Paw for the 12 months ending April 30, 1964, were 15 mills per kwh. MGE's average annual charges to Dowagiac for the same 12-month period were 9.4 mills per kwh. MGE serves Paw Paw at a flat rate of 1.5 cents per kwh with a yearly minimum of \$2,700. The company's deliveries to the village for the 12-month period were 10,745,900 kwh, and its total charge was \$161,188.50. MGE's sales to Dowagiac are made at a two part rate, a demand charge of \$2.35 per kw and an accompanying energy charge of 3½ mills per kwh. The latter rate is subject to changes in taxes and a commodity adjustment to reflect wholesale price changes.

Numerous conferences between representatives of MGE and staff have failed to disclose a sufficient cost justification for MGE rates and charges and their possible discriminatory or preferential effect. However, the Commission is not satisfied that either of MGE's rate schedules are consistent with statutory standards and it appears that there is a need for formal investigation and hearing of MGE's rates, charges and services to Dowagiac and Paw Paw pursuant to the provisions of sections 205, 206, 301, 304, 307, and 309 of the Federal Power Act.

<sup>1</sup>The filing consisted of an agreement dated Aug. 4, 1962, and a supplement thereto dated July 16, 1962, which have been respectively designated in the Commission's files as Michigan Gas and Electric Co., Rate Schedule FPC No. 4 and Supplement No. 1 thereto.

<sup>2</sup>The supplement is designated in the Commission's files as Michigan Gas and Electric Co., Supplement No. 1 to Rate Schedule FPC No. 2.

The Commission finds: Review and analysis of available office data indicate that MGE's Rate Schedules, FPC Nos. 2 and 4 as supplemented may result in excessive rates or charges or may be unduly discriminatory, unduly preferential, or otherwise unjust, unreasonable and unlawful within the meaning of the Federal Power Act. Accordingly, it is necessary and appropriate for the purposes of the Federal Power Act, particularly sections 205, 206, 301, 304, 307, and 309 thereof, that an investigation and hearing be held as hereinafter provided.

The Commission orders:

(A) A public hearing shall be held concerning the lawfulness of MGE's Rate Schedules FPC Nos. 2 and 4 as supplemented, at the time and place and in the manner all to be fixed by notice of the Secretary.

(B) MGE shall within 45 days from the date hereof, submit a special report setting out cost and revenue data using 1964 as the test year, showing MGE's costs of rendering service to Dowagiac and Paw Paw, calculated in accordance with applicable Commission precedents and submitted in the form as prescribed in Statements A through O, § 35.13(b). (4) (IV) of the Commission's regulations under the Federal Power Act. An original and nine conformed copies of the report shall be submitted.

(C) The foregoing submission shall not preclude or limit any additional showing by MGE and shall be without prejudice to future action taken by the Commission or its staff, or to any future position MGE or others may wish to take as to the significance of, or conclusions to be drawn from the above factual report.

(D) Notices of intervention or petitions to intervene in this proceeding may be filed with the Commission on or before May 28, 1965, in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,  
Secretary.

[P.R. Doc. 65-4912; Filed, May 10, 1965;  
8:45 a.m.]

[Docket G-16436 etc.]

**SUNSET INTERNATIONAL PETROLEUM CORP.****Order Amending Orders Issuing Certificates, Substituting Respondent, and Redesignating Proceeding**

MAY 3, 1965.

Sunset International Petroleum Corp. (successor to Sunac Petroleum Corp.), Docket Nos. G-16436, et al., RI61-545, RI64-724, RI64-727.

Sunset International Petroleum Corp. (Applicant) filed in the dockets listed in the Appendix below applications pursuant to section 7(c) of the Natural Gas Act to amend orders of the Commission issuing certificates of public convenience and necessity to Sunac Petroleum Corp. (Sunac) in said dockets by substituting

<sup>1</sup>Additional certificate dockets are listed in the Appendix below.



Applicant as certificate holder, all as more fully set forth in the applications. Applicant has merged Sunac as of September 1, 1964, and proposes to continue service without change or interruption.

The FPC gas rate schedules of Sunac have heretofore been redesignated as those of Applicant as set forth in the Appendix below.

On January 4, 1965, Applicant filed motions in Sunac's pending rate proceedings in Docket Nos. RI61-545, RI64-724, and RI64-727 to be substituted in lieu of Sunac as respondent therein.

After due notice no petition to intervene, notice of intervention, or protest to the granting of the applications to amend has been filed.

The Commission finds:

(1) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the orders issuing certificates of public convenience and necessity to Sunac in the dockets listed in the Appendix below should be amended

by substituting Applicant as certificate holder.

(2) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Applicant should be substituted in lieu of Sunac as respondent in the proceedings pending in Docket Nos. RI61-545, RI64-724, and RI64-727.

The Commission orders:

(A) The orders issuing certificates of public convenience and necessity to Sunac in the dockets listed in the Appendix below be and the same are hereby amended by substituting Applicant as certificate holder, and in all other respects said orders shall remain in full force and effect.

(B) Applicant be and it is hereby substituted in lieu of Sunac as respondent in the proceedings pending in Docket Nos. RI61-545, RI64-724, and RI64-727, and said proceedings are redesignated accordingly.<sup>2</sup>

By the Commission.

[SEAL]

JOSEPH H. GUTRIDE,  
Secretary.

Docket No.	Filing date	Sunset FPC gas rate schedule	Sunac FPC gas rate schedule	Purchaser	Location
CH9-791	1-4-65	10	1	South Texas Natural Gas Gathering Co.	East Fallsurrias Area, Jim Wells and Kleberg Counties, Tex.
CH9-433	1-4-65	11	2	Northern Natural Gas Co.	Hansford Field, Ochiltree County, Tex.
CH9-432	1-4-65	12	3	do.	Do.
CH9-48	1-4-65	14	5	do.	Womble Area, Ochiltree and Roberts Counties, Tex.
G-1905	1-4-65	15	7	do.	Horizon (Cleveland) Field, Hansford County, Tex.
G-1905	1-4-65	16	8	do.	Share Field, Ochiltree County, Tex.
G-1906	1-4-65	17	9	do.	Perryton Field, Ochiltree County, Tex.
CH1-1186	1-4-65	19	11	Colorado Interstate Gas Co.	Mokane Field, Beaver County, Okla.
G-1905	1-4-65	21	14	El Paso Natural Gas Co.	Huerfano Unit No. 106, San Juan County, N. Mex.
G-1906	1-4-65	22	15	Natural Gas Pipeline Co. of America.	Wise County Area, Wise County, Tex.
CH9-302	1-4-65	23	16	El Paso Natural Gas Co.	Rio Arriba County, N. Mex.
CH9-408	1-4-65	24	17	do.	Rio Arriba and San Juan Counties, N. Mex.
CH9-445	1-4-65	25	18	Southern Union Gathering Co.	San Juan County, N. Mex.
CH9-425	1-4-65	26	19	do.	Do.
CH9-405	1-4-65	27	20	El Paso Natural Gas Co.	Do.
CH9-1423	1-4-65	28	21	do.	West Kutz Pictured Cliffs Field, San Juan County, N. Mex.
CH1-719	2-23-65	29	6	Panhandle Eastern Pipe Line Co.	Light Field, Beaver County, Okla.
CH9-298	2-23-65	9	12	do.	Mokane Morrow Field, Beaver County, Okla.

<sup>1</sup>"Et al." <sup>2</sup>(Operator), et al.

[P.R. Doc. 65-4913; Filed May 10, 1965; 8:45 a.m.]

## FEDERAL MARITIME COMMISSION INTERNATIONAL MOVERS' RATE AGREEMENT

### Notice of Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW.,

room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the

<sup>2</sup>Sunset International Petroleum Corp., Docket No. RI61-545; Sunset International Petroleum Corp., Docket No. RI64-724; Sunset International Petroleum Corp. (Operator), et al., Docket No. RI64-727.

agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of Agreement Filed for Approval by:

Mr. Carroll F. Genovese, Executive Secretary, Movers' & Warehousemen's Association of America, Inc., Suite 1101, Warner Building, Washington, D.C., 20034.

Agreement No. 8530-1 between the member lines of the International Movers' Rate Agreement has been filed with the Commission for approval to establish a Self-Policing System, pursuant to General Order 7 (46 CFR 528) and to modify the Admission, Withdrawal and Expulsion provisions of the basic agreement, pursuant to General Order 9 (46 CFR 523).

Dated: May 7, 1965.

By order of the Federal Maritime Commission.

THOMAS LIST,  
Secretary.

[P.R. Doc. 65-4991; Filed, May 10, 1965; 8:48 a.m.]

## DEPARTMENT OF COMMERCE

### Office of the Secretary

[Dept. Order 195]

## NONDISCRIMINATION IN PROGRAMS AND ACTIVITIES

### Manual of Orders

#### Correction

In F.R. Doc. 65-4683, appearing at page 6281 of the issue for Wednesday, May 5, 1965, the introductory paragraph was inadvertently omitted. It should read as follows: "The following order was issued by the Secretary of Commerce on April 2, 1965."

## SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 523]

### ILLINOIS

#### Declaration of Disaster Area

Whereas, it has been reported that during the month of April 1965, because of the effects of certain disasters, damage resulted to residences and business property located in the State of Illinois:

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected:

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Executive Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the Offices



below indicated from persons or firms whose property, situated in the aforesaid State and areas adjacent thereto, suffered damage or destruction resulting from floods and accompanying conditions occurring on or about April 6, 1965.

#### OFFICE

Small Business Administration Regional Office, 219 South Dearborn Street, Chicago, Ill. 60604.

2. Temporary offices will be established in such areas as are necessary, addresses to be announced locally.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to October 31, 1965.

Dated: April 28, 1965.

ROSS D. DAVIS,  
Executive Administrator.

[P.R. Doc. 65-4907; Filed, May 10, 1965;  
8:45 a.m.]

## INTERSTATE COMMERCE COMMISSION

### FOURTH SECTION APPLICATION FOR RELIEF

MAY 6, 1965.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

#### LONG-AND-SHORT HAUL

FSA No. 39749—Cores from and to points in southwestern territory. Filed by Southwestern Freight Bureau, agent (No. B-8723), for interested rail carriers. Rates on cores, tissue paper winding, old or reused, iron or steel, or compressed paper or pulp, in carloads, from, to, and within southwestern territory.

Grounds for relief—Carrier competition.

Tariff—Supplement 4 to Southwestern Freight Bureau, agent, tariff I.C.C. 4623.

By the Commission.

[SEAL] BERTHA F. ARMES,  
Acting Secretary.

[P.R. Doc. 65-4924; Filed, May 10, 1965;  
8:46 a.m.]

[Notice 1176]

### MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 6, 1965.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition

will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-67684. By order of April 30, 1965, the Transfer Board approved the transfer to Trygve Lodrup, Garry White, and Harold Hall, a partnership, doing business as L.T.L. Delivery Service, Los Angeles, Calif., of Certificate No. MC-31689, and the Certificate of Registration in No. MC-31689 (Sub-No. 2), issued November 12, 1959, and April 7, 1964, respectively, to Crown Terminal Corp., Vernon, Calif., authorizing the transportation of: general commodities, with the usual exceptions including household goods and commodities in bulk, and various other specified commodities, from, to, or between specified points in California. Mitchell M. Brockman, 5208 West Pico Boulevard, Los Angeles, Calif., 90019, attorney for applicants.

No. MC-FC-67708. By order of April 30, 1965, the Transfer Board approved the transfer to Andrew J. Banfield, doing business as Banfield Bros., Cuba City, Wis., of Certificates in No. MC-106311 and No. MC-106311 (Sub-No. 1), issued May 7, 1947, and July 2, 1948, respectively, to Andrew J. Banfield and William U. Banfield, a partnership, doing business as Banfield Bros., Cuba City, Wis., authorizing the transportation of: Mine tailings, rock, crushed lime, sand, gravel, zinc, and lead ore, and mine tools and supplies, from, to, or between specified points in Illinois, Iowa, and Wisconsin. Claude J. Jasper, 301 Provident Building, 111 South Fairchild Street, Madison, Wis., 53703, attorney for applicants.

No. MC-FC-67711. By order of April 30, 1965, the Transfer Board approved the transfer to Hawthorne Hauling, Inc., Philadelphia, Pa., of Certificate in No. MC-109591 (Sub-No. 1), issued September 25, 1957, to Milton Kraslovsky, Inc., Brooklyn, N.Y., authorizing the transportation of: Heavy machinery and machinery parts, between New York, N.Y., on the one hand, and, on the other, points in New York, New Jersey, Pennsylvania, Connecticut, and Massachusetts, within 200 miles of New York, N.Y. Morris J. Winokur, 1920 Two Penn Center Plaza, Philadelphia, Pa. 19102, attorney for applicants.

No. MC-FC-67729. By order of April 30, 1965, the Transfer Board approved the transfer to Mildred L. Johnson, doing business as Johnson Forwarding Co., 70 Blanchard Street, Newark 5, N.J., of the operating rights in Permit No. MC-3469 issued July 29, 1941, to Edward Bewley Johnson, doing business as Johnson Forwarding Co., South Orange, N.J., authorizing the transportation over irregular routes, of: Mineral wool, asbestos cement, and waterproofing cement, over irregular routes, between Newark, N.J., on the one hand, and, on the other, Wilmington, Del., and points and places in the New York, N.Y., commercial zone, as defined by the Commission in 1 M.C.C. 665. Lead, zinc, and allied products, used in the manufacture and sale thereof, over irregular routes, between Newark,

N.J., on the one hand, and, on the other, Mamaroneck, White Plains, Port Chester, Hempstead, and Southampton, N.Y., Philadelphia, Pa., Wilmington, Del., and Bridgeport, Conn., points and places in New Jersey and those in the New York, N.Y., commercial zone, as defined by the Commission in 1 M.C.C. 665.

No. MC-FC-67759. By order of April 30, 1965, the Transfer Board approved the transfer to Associated Van Lines, Inc., 1043 East Sixth Street, Long Beach, Calif., of the Certificate in No. MC-63302, issued October 2, 1958, to Eugene Nichols, doing business as Associated Van Lines, 1043 East Sixth Street, Long Beach, Calif., authorizing the transportation of: Christmas trees, from Los Angeles and Los Angeles Harbor, Calif., to points within 50 miles of Los Angeles; and household goods, between points in Los Angeles, Calif.

No. MC-FC-67765. By order of April 30, 1965, the Transfer Board approved the transfer to Donald R. Wills, doing business as Tweedy Transfer, Elbert, Colo., of the operating rights in Certificate of Registration No. MC-98946 (Sub-No. 1), issued November 30, 1964, to Frank Tweedy, doing business as Tweedy Transfer, Elbert, Colo., authorizing the transportation of all freight, except livestock and farm products from the town of Elbert, Colo., and within a radius of 10 miles thereof to Denver, Colo., and from Denver, Colo., to said territory, with a distinct understanding, however, that applicant will not be permitted to transport freight between Kiowa and Elizabeth, or intermediate points in competition with any present certificate-holder authorized to serve said points. John P. Thompson, 450 Capitol Life Building, Denver, Colo., 80203, attorney for applicants.

No. MC-FC-67775. By order of April 30, 1965, the Transfer Board approved the transfer to Francis E. Reaver, George W. Reaver, Mabel E. Reaver and Franklin R. Reaver, a partnership, doing business as Charles B. Reaver & Sons, Taneytown, Md., of the operating rights issued by the Commission January 30, 1964, under Permit No. MC-124555, to Francis Elwood Reaver, Carrie Virginia Reaver, Mabel Elizabeth Reaver, George Washington Reaver, and Franklin Roosevelt Reaver, a partnership, doing business as Charles B. Reaver & Sons, Taneytown, Carroll County, Md., authorizing the transportation, over irregular routes, of lumber, between Flintstone, Md., and Moorefield, W. Va.; from Flintstone, Md., and Moorefield, W. Va., to Winchester, Va., and points in Connecticut, Delaware, Massachusetts, New Jersey, New York, and Pennsylvania; from Moorefield, W. Va., to points in Maryland; and from Winchester, Va., to Baltimore, Md. Donald E. Freeman, Post Office Box 880, Westminster, Md., representative for applicants.

No. MC-FC-67785. By order of April 29, 1965, the Transfer Board approved the transfer to Lee Line, Inc., 709 Bench Street, Red Wing, Minn., of the operating rights in Certificate Nos. MC-102623 and MC-102623 (Sub-No. 1), issued July 16, 1942, and January 20, 1956, respectively, to Kenneth William Lee, 709



Bench Street, Red Wing, Minn., authorizing the transportation, over irregular routes, of: Passengers and their baggage, in round-trip charter operations, from points in Goodhue County, Minn., and Pierce County, Wis., to points in Minnesota, Iowa, and Wisconsin, and return, and beginning and ending at Ashland and Eau Claire, Wis., Minneapolis, Minn., and points in Minnesota and Wisconsin within 70 miles of Minneapolis, Minn., and extending to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Rhode Island, Wisconsin, and the District of Columbia. Beginning and ending at Moorehead, Minn., and extending to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Rhode Island, Wisconsin, and

the District of Columbia, and to the Dominion of Canada.

[SEAL]

BERTHA F. ARMES,  
Acting Secretary.

[F.R. Doc. 65-4925; Filed, May 10, 1965;  
8:46 a.m.]

[Notice 1170-A]

### MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 6, 1965.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition

will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-67821. By order of May 5, 1965, the Transfer Board approved the transfer to Long's Express, Inc., Richmond, Va., of the operating rights in Certificate No. MC-85413, issued May 18, 1949, and Certificate of Registration Nos. MC-85413 (Sub-No. 6) and MC-85413 (Sub-No. 7), issued November 27, 1964, and February 6, 1964, respectively, evidencing a right to engage in operation in interstate or foreign commerce, in the transportation of general commodities, with the usual exceptions, and freight, between points in Virginia. J. Randolph Tucker, Jr., State-Planters Bank Building, Richmond, Va., attorney for applicants.

[SEAL]

BERTHA F. ARMES,  
Acting Secretary.

[F.R. Doc. 65-4926; Filed, May 10, 1965;  
8:46 a.m.]

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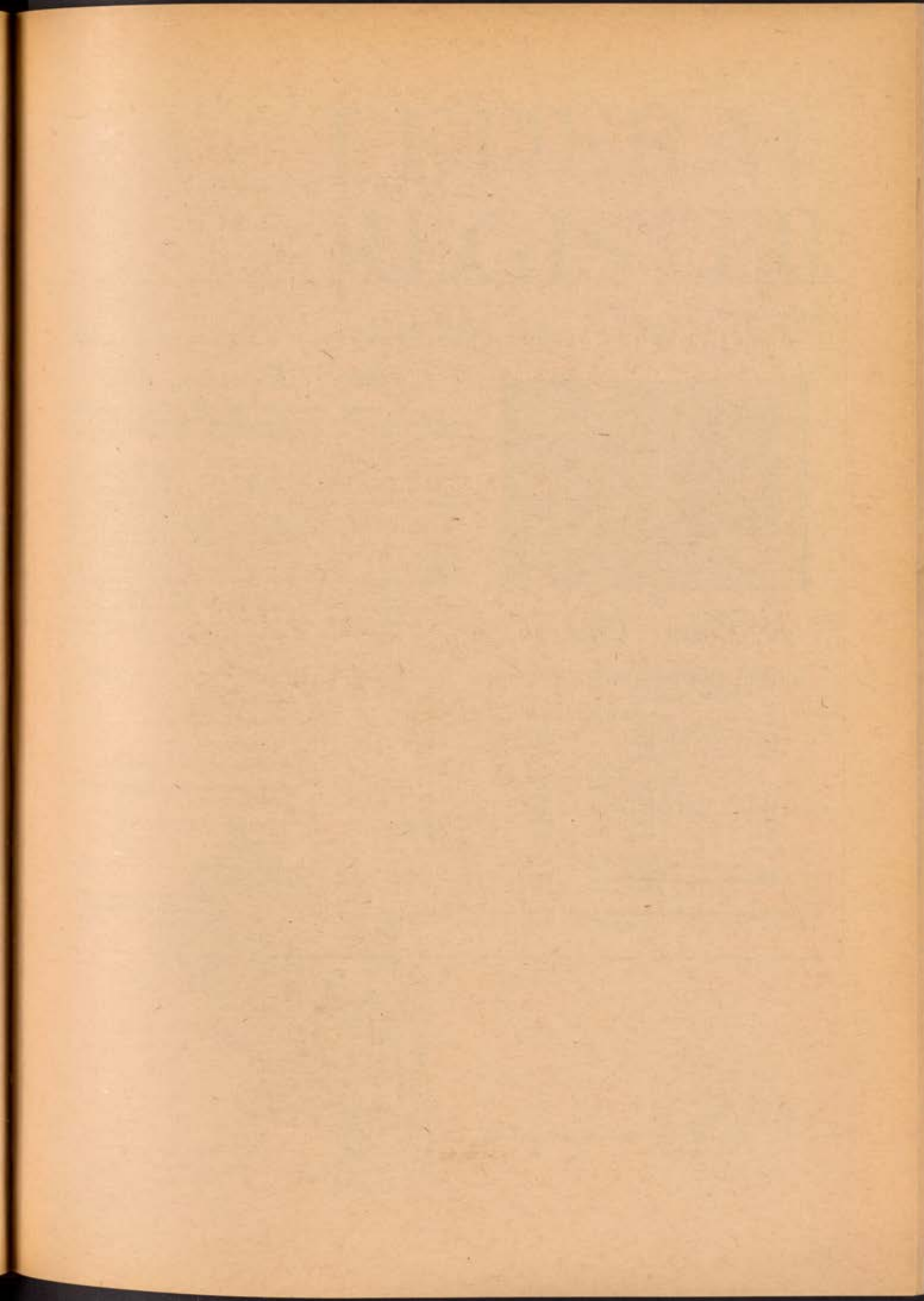
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